

# The Rules

with Joint Rules and Florida Constitution



# Florida House of Representatives

2004-2006

As Adopted November 16, 2004



# **The Rules**

with Joint Rules and Florida Constitution



## **Florida House of Representatives**

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**2004-2006**

**Edition 2**

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# THE RULES

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# RULE ONE

## LEGISLATIVE ORGANIZATION

### 1.1—Officers of the House

(a) The officers of the Florida House of Representatives are:

- (1) Speaker
- (2) Speaker pro tempore
- (3) Majority Leader
- (4) Minority Leader
- (5) Clerk
- (6) Sergeant at Arms.

(b) The Speaker and the Speaker pro tempore shall each be elected by a majority of the duly elected and certified members of the House. For each office, the vote shall be recorded and, if a majority vote is not received on the first ballot, the members voting shall vote on the two names receiving the highest number of votes on the first ballot until a majority vote is received.

(c) The Majority Leader shall be selected by and serve at the pleasure of the Speaker, and the Minority Leader shall be selected by the Minority Conference.

(d) The House shall elect a Clerk to serve at its pleasure.

(e) The Sergeant at Arms shall be appointed by the Speaker with the consent of the House.

### 1.2—Political Party Conferences

Conference rules shall be interpreted and enforced solely by the respective caucuses.

### 1.3—Seating Challenges

In the case of a contest for a seat in the House, notice setting forth the specific grounds of such contest and the supporting evidence must have been received by the Clerk not less than 5 days before the organization

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LEGISLATIVE ORGANIZATION**

session of the Legislature. No motion to disqualify a member shall be in order at the organization session until a Speaker has been elected in accordance with the Florida Constitution. In the case of a special election, notice must have been received by the Clerk not less than 5 days before the next regular or special session convenes. If the election is during a session or less than 5 days before the next session, the notice must have been received on the next legislative day following the receipt of certified election results. A contest setting forth facts sufficient to warrant review shall be referred by the Speaker to an appropriate committee. The committee shall conduct hearings as required and report its findings and recommendations to the House. Upon receipt of the committee report, the House shall convene with all dispatch to determine the contest by a majority vote.

## **RULE TWO**

### **DUTIES AND RIGHTS OF THE SPEAKER**

#### **2.1—Speaker to Enforce Rules; Questions of Order**

(a) The Speaker shall enforce, apply, and interpret the Rules of the House.

(b) All questions of order shall be presented to the Speaker for determination. The Speaker may require the member raising a point of order to cite the rule or other authority in support of the question. The Speaker may decide the question of order, put such question to the House, or refer such question to the Chair of the Rules & Calendar Council for a recommendation to the Speaker. Any decision of the Speaker on a point of order is subject to an appeal to the House made timely and separately by any five members. When a decision of the Speaker on a question of order is appealed, the Speaker shall put the appeal to the House. No member may speak more than once or for more than 5 minutes on an appeal unless given leave by the House by majority vote.

#### **2.2—Speaker to Bring Business Before the House**

The Speaker shall lay all business before the House, reserve times for the council, committee, and subcommittee meetings in compliance with these rules, and receive motions made by members and put them to the House.

#### **2.3—Preservation of Order and Decorum; Control Over Chamber and Other Rooms Assigned to the House**

The Speaker shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, lobby, galleries, and rooms of the House whether in the Capitol or elsewhere. If there is a disturbance, the Speaker may order the Sergeant at Arms to clear the area or direct any other action to preserve order and decorum.

#### **2.4—Appointment of Temporary Presiding Officer**

The Speaker may appoint any member to perform the duties of presiding officer for a temporary period of time not to extend beyond a single legislative day. If the Speaker is absent and has not made such an appointment, the Speaker pro tempore shall act as presiding officer during

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DUTIES AND RIGHTS OF THE SPEAKER**

the Speaker's absence. If the Speaker pro tempore is also absent and has not made such an appointment, the Chair of the Rules & Calendar Council shall act as presiding officer during the absence of both the Speaker and Speaker pro tempore or may appoint another member to perform such duties.

**2.5—Appointment of Procedures & Policy Chair**

The Speaker may designate one member to serve as Procedures & Policy Chair to represent the Speaker in dealings with members, senators, and other parties.

**2.6—House Employees Serve at the Pleasure of the Speaker**

The Speaker shall employ all employees of the House and shall determine their qualifications, hours of work, and compensation, including perquisites and other benefits. All House employees serve at the pleasure of the Speaker. The Speaker may dismiss any employee of the House without cause, and the pay of such employee shall stop on the designated day of dismissal.

**2.7—Speaker to Sign Papers and Authorize Counsel in Suits Affecting the House**

(a) The Speaker shall sign all acts, joint resolutions, concurrent resolutions, resolutions, memorials, writs, vouchers for expenditures chargeable to the House, contracts binding on the House, or other papers issued by the House. The Speaker may delegate the authority to sign documents authorizing payments and other papers of an administrative nature.

(b) The Speaker may retain or authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the House, a council or committee of the House, a member of the House (whether in the legal capacity of member or taxpayer), a former member of the House, or an officer, employee, or agent of the House when the Speaker determines that such suit is of significant interest to the House and that the interest of the House would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the Speaker.

## RULE THREE

### MEMBERS

#### 3.1—Disclosures of Interest and Disqualification from Voting

(a) No member may vote on any measure that the member knows or believes would inure to the member's special private gain. The member must disclose the nature of the interest for which the member is required to abstain from voting. Disclosure shall be done in a timely manner by filing a memorandum with the Clerk, which shall be printed in the *Journal* if a vote is taken on the measure on the floor. If a vote is taken on the measure in a council or committee, the memorandum shall be filed with the council or committee administrative assistant, who shall attach such memorandum to the council or committee report.

(b) A member, when voting on any measure that the member knows or believes would inure to the special private gain of a family member of the member, or to the special private gain of any principal by whom the member or a family member of the member is retained or employed, must disclose the nature of the interest of such person in the outcome of the vote. Disclosure shall be done promptly by filing a memorandum with the Clerk, which shall be printed in the *Journal* if a vote is taken on the measure on the floor. If a vote is taken on the measure in a council or committee, the memorandum shall be filed promptly with the council or committee administrative assistant, who shall attach such memorandum to the council or committee report. For the purpose of this rule, family members include the member's spouse, parents, and children.

#### 3.2—Attendance Upon Council and Committee Meetings Required

A member shall attend all meetings of councils, committees, and subcommittees to which appointed, unless excused by the council or committee Chair or by the Speaker. Excuse from House session attendance shall also constitute excuse from that day's council, committee, and subcommittee meetings. Failure to attend two consecutive council, committee, or subcommittee meetings, unless excused, shall be reported by the council or committee Chair to the Speaker.

### **3.3—Attendance at Sessions**

A member may not be absent from the sessions of the House without approval of the Speaker. Upon written request of a member submitted in a timely manner, the Speaker may, by written notice to the Clerk, excuse the member from attendance for any stated period. It shall be the responsibility of the excused member to advise the Clerk when leaving and returning to the Chamber.

### **3.4—Members Presumed Present Unless Excused or Necessarily Prevented**

Any member who has answered roll call (either orally or by electronic means) at the opening of any daily session, or who enters after the initial quorum call and informs the Clerk of the member's presence, shall thereafter be presumed present unless necessarily prevented or leave of absence is obtained from the Speaker. The Speaker shall make each determination as to whether a member was necessarily prevented.

### **3.5—Open Meetings**

(a) Subject to order and decorum, each member shall provide reasonable access to members of the public to any meeting between such member and more than one other member of the Legislature, if such members of the public have requested admission and such meeting has been prearranged for the purpose of agreeing to take formal legislative action on pending legislation or amendments at such meeting or at a subsequent time. No such meeting shall be conducted in the Members' Lounge, at any location that is closed to the public, or at any location that the member knows prohibits admission on the basis of race, religion, gender, national origin, physical disability, or similar classification.

(b) Meetings conducted in the Chamber of either the House or the Senate while such body is in session shall be considered to be held at a location providing reasonable access to, and to be reasonably open to, the public. When the number of persons must be limited because of space considerations or otherwise for the maintenance of order or decorum, at least one representative each of the print, radio, and television media shall be included among the members of the public admitted, if such persons have requested admission.

(c) For the purpose of this rule, and as used in Section 4 of Article III of the Florida Constitution, legislation shall be considered pending if filed with the Clerk. An amendment shall be considered pending if it has been

delivered to the administrative assistant of a council or committee in which the legislation is pending or to the Clerk, if the amendment is to a bill that has been reported favorably by each council and committee of reference, and the term "formal legislative action" shall include any vote of the House or Senate, or of a council, committee, or subcommittee of either house, on final passage or on a motion other than a motion to adjourn or recess.



## RULE FOUR

### DUTIES OF THE CLERK, SERGEANT AT ARMS, AND EMPLOYEES

#### 4.1—Clerk

(a) The Clerk shall:

(1) Be the custodian of all bills, resolutions, and memorials. No member or other person may take possession of an original bill, after filing, with the intention of depriving the Legislature of its availability for consideration.

(2) Provide for the keeping of a complete record of introduction and action on all bills, resolutions, and memorials, including the number(s), the sponsor(s), each cosponsor, a brief description of the subject matter, and each council and committee reference.

(3) Keep a correct journal of proceedings of the House. The *Journal* shall be numbered serially and published from the first day of each session of the Legislature.

(4) Superintend the engrossing and transmitting of bills, resolutions, and memorials and approve the enrolling of all House bills.

(5) Not permit any records or papers belonging to the House to be taken out of the Clerk's custody other than in the regular course of business and only then upon receipt.

(6) Publish Daily and Interim Calendars necessary to provide public notice of consideration of bills, resolutions, and memorials by the House and its councils, committees, and subcommittees.

(7) Examine bills, resolutions, and memorials upon their tender for introduction to determine whether facially they meet the requirements of the Florida Constitution for the presence of the enacting or resolving clause or the provision in local bills, including local claim bills, for advertising or for referendum; however, beyond calling an apparent defect to the attention of the first-named sponsor, the obligation of the Clerk shall end.

(8) Sign and receive necessary papers in the name of the House between a general election and election of the Speaker.

(b) It shall be a ministerial duty of the Clerk to attest to all writs, issued by order of the House, and to the passage of all legislative measures.

**RULE FOUR  
DUTIES OF THE CLERK, SERGEANT AT ARMS, AND EMPLOYEES**

(c) In the necessary absence of the Clerk, the Speaker may appoint a temporary Clerk.

**4.2—Sergeant at Arms**

The Sergeant at Arms shall:

(a) Attend the House during its sittings and maintain order under the direction of the Speaker or member performing the duties of the presiding officer.

(b) Ensure that no person is admitted to the House Chamber except in accordance with these rules.

(c) Be under the direct supervision and execute all commands of the Speaker.

(d) Be the custodian of furniture, books, and property of the House and shall annually take an inventory of all property under the Sergeant at Arms' charge.

(e) Provide for the security of the House and its members when engaged in their constitutional duties.

(f) Perform all other duties pertaining to the Sergeant at Arms' Office as prescribed by law or these rules.

**4.3—Employees Forbidden to Lobby; Restriction on Employee Campaign Activities**

(a) An employee of the House may not, directly or indirectly, be interested in or concerned with the passage or consideration of any bill without direction from a member with authority over the designated staff member. An employee may, on behalf of a member, present a bill in council, committee, or subcommittee in the member's absence only with the member's prior written direction. An employee shall not exhibit an improper interest in or concern with any bill.

(b) An employee of the House may not engage in campaign activities during regular work hours, except when on approved leave, and may neither hold, nor be a candidate for, public office (other than a political party executive committee office) while in the employ of the House.

## **RULE FIVE**

### **FORM AND INTRODUCTION OF BILLS**

#### **5.1—"Bill" Stands for All Legislation**

Except when the context otherwise indicates, "bill," as used in these rules, means a bill, joint resolution, concurrent resolution, resolution, memorial, or other measure upon which a council or committee may be required to report.

#### **5.2—Member and Committee Bill Filing Deadlines**

(a) No general bill, local bill originating in the House, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), substantive House resolution, or memorial originating in the House shall be given first reading unless approved for filing with the Clerk no later than noon of the first day of the regular session.

(b) To be admitted for introduction, bills originating in committees shall be approved for filing with the Clerk no later than noon of the 28th day of the regular session. Committee bills filed after this deadline will be admitted for introduction only if accompanied by a certificate of urgent public need submitted jointly by the committee and council Chairs and approved by the Speaker.

#### **5.3—Limitation on Member Bills Filed**

(a) A member may not file more than six bills for a regular session. Of the six bills, at least two must be approved for filing with the Clerk no later than noon of the 6th Tuesday prior to the first day of the regular session. For purposes of this rule, the member considered to have filed a bill is the first-named sponsor of the bill. Bills that have been withdrawn from further consideration prior to the filing deadline shall not be counted against this limit.

**RULE FIVE**  
**FORM AND INTRODUCTION OF BILLS**

- (b) Bills not counted toward these limits include:
- (1) Local bills, including local claim bills
  - (2) Ceremonial House resolutions
  - (3) Memorials
  - (4) Concurrent resolutions relating to extension of a session or legislative organization or procedures
  - (5) Trust fund bills adhering to another bill
  - (6) Public records or public meetings exemption bills adhering to another bill
  - (7) Joint resolutions adhering to a general bill
  - (8) Bills that only repeal or delete, without substantive replacement, provisions of the Florida Statutes or Laws of Florida.

**5.4—Forms of Measures; Sponsorship Transactions**

(a) To be acceptable for introduction, all bills shall be produced in accordance with standards approved by the Speaker.

(b) No member may be added or deleted as a sponsor or cosponsor of a bill without the member's consent. A member desiring to be a cosponsor must submit to the Clerk a cosponsorship request agreed to by the first-named sponsor. A member may withdraw as a cosponsor by submitting a request to the Clerk.

(c) Bills that propose to amend existing provisions of law shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the Florida Constitution shall contain the full text of the section to be amended. As to those portions of general bills and joint resolutions that propose to amend existing provisions of the Florida Statutes or the Florida Constitution, new words shall be inserted in the text underlined and words to be deleted shall be lined through with hyphens. If the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it is not necessary to use the coded indicators of words added or deleted, but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the affected section of the bill: "Substantial rewording of section. See s. . . ., F.S., for present text." When such a notation is used, the notation, as well as the substantially reworded text, shall be underlined. The words to be deleted and the above-described indicators of such words and

of new material are for information and guidance and do not constitute a part of the bill under consideration. Numerals in the margins of the line-numbered paper do not constitute a part of the bill and are shown on the page only for convenience in identifying lines. Section catch lines of existing text shall not be underlined, nor shall any other portion of a bill covered by this rule other than new material.

### **5.5—Local Bills**

(a) If the substance of a local bill may be enacted into law by ordinance of a local governing body without the legal need for a referendum, the Local Government Council may not report the bill favorably.

(b) A local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills.

(c) All local bills, including local claim bills, must either, as required by Section 10 of Article III of the Florida Constitution, embody provisions for a ratifying referendum (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement, securely attached to the original bill ahead of its first page.

### **5.6—Claim Bills**

(a) The Speaker may appoint a Special Master to review a claim bill or conduct a hearing, if necessary. The Special Master may administer an oath to all witnesses, accept relevant documentary and tangible evidence offered as deemed necessary, and record the hearing. The Special Master may prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master, who shall be available, in person, to explain his or her report to any council or committee of reference.

(b) Stipulations entered into by the parties are not binding on the Special Master or the House or its councils or committees.

(c) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted, except that the hearing and consideration of a claim that is still within the judicial or administrative system may proceed when the parties have executed a written settlement agreement.

### **5.7—Reviser’s Bills**

Reviser’s bills shall be introduced by the Rules & Calendar Council, which may request prior review by another council or committee.

### **5.8—General Appropriations Bill and Related Legislation**

The general appropriations bill and related legislation, including trust fund bills, may be introduced by the Fiscal Council.

### **5.9—Memorials**

A memorial expresses the opinion of the Legislature to the Federal Government. All memorials shall contain the resolving clause “Be It Resolved by the Legislature of the State of Florida:”.

### **5.10—House Resolutions and Concurrent Resolutions and Tributes**

(a) All House resolutions and all concurrent resolutions originating in the House shall contain a title and a resolving clause. In the case of House resolutions, the resolving clause shall be “Be It Resolved by the House of Representatives of the State of Florida:”. In the case of concurrent resolutions originating in the House, the resolving clause shall be “Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:”. Concurrent resolutions originating in the House shall present only questions pertaining to extension of a session, enactment of joint rules, ratification of federal constitutional amendments, communications with the judiciary, actions taken pursuant to federal law not requiring gubernatorial approval, or other exclusively legislative matters.

(b) All ceremonial House resolutions shall be reviewed and approved by the Chair of the Rules & Calendar Council before introduction.

(c) Copies of House resolutions shall be furnished by the Clerk. The Secretary of State shall be requested to prepare certified copies of concurrent resolutions after their adoption.

(d) Any matter commemorating local achievement, condolences, or other recognition shall be prepared by the House Bill Drafting Service as an individual tribute for the member sponsoring the measure.

### **5.11—Bills Filed During an Interim**

During the period between the organization session and the convening of the first regular session of the legislative biennium and during the period between the first and second regular sessions of the legislative biennium,

members may file for introduction bills that have been prepared or reviewed by the House Bill Drafting Service.

### **5.12—Requirements for Introduction**

(a) All bills (other than a general appropriations bill, concurrent resolutions relating to organization of the Legislature, resolutions relating to organization of the House, reviser's bills, reapportionment bills or resolutions, and recall of acts from the Governor) shall either be prepared or, in the case of local bills, reviewed by the House Bill Drafting Service. After completion and delivery by the House Bill Drafting Service, no change may be made in the text or title of the bill without returning the bill to the House Bill Drafting Service prior to filing.

(b) The Director of the House Bill Drafting Service shall notify any member proposing a bill if an identical or similar bill has been filed and, if so, the name of the sponsor of such bill.

### **5.13—Identification**

All bills shall be given a number and filed with the Clerk by the House Bill Drafting Service. Bills shall be serially numbered, in an odd-numbered sequence, except that bills of a similar type may be serially numbered separately. The Clerk shall validate the original copy of each bill, and each page thereof, to ensure its identification as the item introduced in order to prevent unauthorized or improper substitutions therefor.

### **5.14—Companion Measures**

A companion Senate bill must be substantially similar in wording, and identical as to specific intent and purpose, to the House bill for which it is being substituted. Whenever a House bill is reached on the floor for consideration, either on second or third reading, and there is also pending on the Calendar of the House a companion bill already passed by the Senate, it shall be in order to move that the Senate companion bill be substituted and considered in lieu of the House bill. Such motion may be adopted by a majority vote, provided the Senate bill is on the same reading; otherwise the motion shall be to waive the rules by a two-thirds vote and substitute such Senate bill. At the moment the House substitutes the Senate companion bill or takes up a Senate bill in lieu of a House bill, the House bill so replaced shall be automatically tabled.



## RULE SIX

### REFERENCE

#### 6.1—Speaker to Refer Legislation

The authority to make bill referrals rests with the Speaker, except as otherwise provided in these rules.

#### 6.2—Reference: Generally

(a) Bills, upon filing or introduction, whether House or Senate, shall be referred by the Speaker to a committee and its council and such other committees as are deemed appropriate or to the Calendar of the House as elsewhere provided in these rules, except that bills introduced by committees may, alternatively, be referred only to the council of the committee originating the bill. The order of reference shall be determined by the Speaker, provided the council shall consider the bill last.

(b) The Chair of a standing committee, upon receipt of a referred bill, may either refer the bill to a subcommittee or consider the bill at a meeting of the standing committee.

(c) References of bills and the nature of any documents referred shall be recorded in the *Journal*.

#### 6.3—Reference: Exception; Additional References

(a) A Senate bill with a House companion may be paired with the companion House bill at whatever its stage of consideration, provided both bills are on the same reading.

(b) If a bill is reported with a committee substitute that contains an issue that was not in the original bill and such issue is within the jurisdiction of another committee, the Speaker may refer the bill to the other committee having jurisdiction over the additional subject and, if given an additional reference, such bill shall be considered by the new committee of reference before its consideration by any remaining fiscal committees of reference or the council.

(c) If a bill is reported with a council substitute that contains a new issue and such issue is within the jurisdiction of another council, the Speaker may further refer the bill.

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(d) A general appropriations bill and related legislation, including trust fund bills, introduced by the Fiscal Council may be referred to the Calendar of the House.

(e) Reviser's bills may be referred to the Calendar of the House.

(f) A House combined bill introduced by a council may be referred to the Calendar of the House or further referred as appropriate.

(g) Local bills may be referred by the Speaker to a council or to a committee and its council and such other committees as are deemed appropriate.

(h) After the 55th day of a regular session and during any extended or special session, a Senate bill may be referred by the Speaker to a council or to a committee and its council and such other committees as are deemed appropriate.

**6.4—Reference of Resolutions, Concurrent Resolutions: Exception**

Resolutions on House organization and concurrent resolutions pertaining to extension of the session may be taken up upon motion and adopted at the time of introduction without reference.

**6.5—Reference of Appropriations or Tax Measures**

(a) All bills carrying or affecting appropriations or tax matters shall be referred to an appropriate fiscal committee.

(b) A bill in the possession of a committee within the Fiscal Council that has been amended by report from a committee of previous reference to remove its fiscal impact may be withdrawn from the committee within the Fiscal Council on a point of order raised by the Chair or Vice Chair of the Fiscal Council.

(c) If an amendment adopted on the floor of the House affects an appropriation or a tax matter, upon point of order made by the Chair or Vice Chair of the Fiscal Council, the bill may be referred by the Speaker with the amendment to a committee or council unless the amendment is the substance of a bill which has been approved by the Fiscal Council or one of its committees. If the bill, as amended on the floor, is reported favorably without further amendment, it shall be returned to the same reading as when referred. If the bill, as amended on the floor, is reported favorably with further amendment, it shall be returned to second reading.

**6.6—Reference of Veto Messages**

The Speaker shall refer veto messages to the appropriate council or committee for a recommendation.



## RULE SEVEN

### COUNCILS, COMMITTEES, AND SUBCOMMITTEES

#### Part One—Organization

#### **7.1—Councils, Standing Committees, and Subcommittees; Appointments**

(a) The following standing committees are hereby established and shall be referred to as councils:

- (1) Commerce Council
- (2) Education Council
- (3) Fiscal Council
- (4) Health & Families Council
- (5) Justice Council
- (6) Local Government Council
- (7) Rules & Calendar Council
- (8) State Administration Council
- (9) State Infrastructure Council
- (10) State Resources Council

(b) Within each council there are hereby established the following standing committees:

- (1) Commerce Council
  - a. Business Regulation Committee
  - b. Economic Development, Trade & Banking Committee
  - c. Insurance Committee
  - d. Utilities & Telecommunications Committee
- (2) Education Council
  - a. Colleges & Universities Committee

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- b. Community Colleges & Workforce Committee
- c. Choice & Innovation Committee
- d. PreK-12 Committee
- (3) Fiscal Council
  - a. Agriculture & Environment Appropriations Committee
  - b. Education Appropriations Committee
  - c. Finance & Tax Committee
  - d. Health Care Appropriations Committee
  - e. Justice Appropriations Committee
  - f. State Administration Appropriations Committee
  - g. Transportation & Economic Development Appropriations Committee
- (4) Health & Families Council
  - a. Elder & Long-Term Care Committee
  - b. Future of Florida's Families Committee
  - c. Health Care General Committee
  - d. Health Care Regulation Committee
- (5) Justice Council
  - a. Civil Justice Committee
  - b. Claims Committee
  - c. Criminal Justice Committee
  - d. Judiciary Committee
  - e. Juvenile Justice Committee
- (6) Local Government Council
- (7) Rules & Calendar Council
- (8) State Administration Council
  - a. Domestic Security Committee

- b. Ethics & Elections Committee
- c. Governmental Operations Committee
- d. Military & Veteran Affairs Committee
- (9) State Infrastructure Council
  - a. Growth Management Committee
  - b. Spaceport & Technology Committee
  - c. Tourism Committee
  - d. Transportation Committee
- (10) State Resources Council
  - a. Agriculture Committee
  - b. Environmental Regulation Committee
  - c. Water & Natural Resources Committee

(c) The Speaker shall appoint the Chair and Vice Chair of each House council, committee, and subcommittee and shall also appoint the remaining membership of each such council, committee, and subcommittee. The Speaker shall give notice of each such appointment in writing to the Clerk for publication in an Interim Calendar and the *Journal*.

(d) The Speaker may establish standing or select subcommittees constituted from the membership of standing committees and appoint their Chairs, Vice Chairs, and members. Subcommittees and select subcommittees so established shall be subject to the authority and direction of their parent committee. The Speaker shall give notice of the establishment of subcommittees and select subcommittees and appointments thereto in writing to the Clerk for publication in an Interim Calendar and the *Journal*.

(e) If necessary, the Speaker may appoint a temporary Chair for any council, standing committee, or subcommittee.

(f) All council, standing committee, and subcommittee Chairs, Vice Chairs, and members serve at the pleasure of the Speaker.

(g) All council, standing committee, and subcommittee appointments made by the Speaker shall expire on August 1 of odd-numbered years or, if the Legislature is convened in special or extended session on that date, upon adjournment *sine die* of such session.

## **7.2—Appointment of Select Committees**

The Speaker may at any time create a select committee and shall appoint the membership and name the Chair and Vice Chair thereof. A select committee may include the entire membership of the House. A select committee has the jurisdiction and duties and exists for the period of time specified by the Speaker. Select committees may introduce or receive by reference legislation only if clothed by the House with this power. The Speaker shall give notice of the creation of a select committee in writing to the Clerk for publication in an Interim Calendar and the *Journal*.

## **7.3—Ex Officio Members**

The Speaker may designate the Speaker pro tempore, the Procedures & Policy Chair, or the Majority Leader as an *ex officio*, voting member of any council or standing committee. No council or standing committee may have more than one *ex officio* member voting at any one time. For the purpose of a quorum, an *ex officio* member shall not be included in the membership of a council or committee. The Speaker shall give notice of the designation of any such *ex officio* member in writing to the member so designated and to the council or committee Chair. The Chair of the parent committee shall, *ex officio*, be an additional voting member of a subcommittee. However, for the purpose of a quorum, the parent committee Chair shall not be included in the membership of a subcommittee.

## **Part Two—Meetings; Powers, Duties, and Procedure**

### **7.4—Powers of the Chair and Procedure: Generally**

(a) The Rules of the House shall govern procedure in council, committee, and subcommittee insofar as they are applicable.

(b) The council, committee, or subcommittee Chair shall sign all notices, vouchers, or reports required or permitted by these rules. The council or committee Chair shall sign all subpoenas as provided in Rule 16.1. Except as otherwise provided in these rules, the Chair has all authority necessary to ensure the orderly operation of the council, committee, or subcommittee, including, but not limited to, presiding over the council, committee, or subcommittee, establishing the agenda for the council, committee, or subcommittee, recognition of members or presenters, deciding all questions of order in council, committee, or subcommittee, and determining the order in which matters are taken up in council, committee, or subcommittee. There shall be no appeal from the Chair's recognition, but the Chair shall be governed by the rules and usage in priority of entertaining motions.

(c) Rulings on questions of order are subject to an appeal. Such appeal shall be made during the council, committee, or subcommittee meeting and shall be submitted in writing to the Chair signed by at least two members of the council, committee, or subcommittee prior to 4:30 p.m. of the next business day. The appeal shall be certified by the Chair to the House for timely action by the Speaker following such certification. The Speaker may refer an appeal to the Chair of the Rules & Calendar Council for a recommendation. The ruling of the Speaker shall be entered in the *Journal* and shall be subject to appeal as any other question. The Chair may, or on a majority vote of the council, committee, or subcommittee shall, certify a question of parliamentary procedure to the Speaker as contemplated by this rule without a formal appeal. Such a certified question shall be disposed of by the Speaker as if it had been on appeal. The certification of an appeal or of a question of parliamentary procedure pursuant to this rule does not constitute an automatic stay to further legislative action on the measure under consideration.

### **7.5—Absence of the Chair**

For the purpose of convening or presiding over a meeting in the absence of the Chair, the Vice Chair shall assume all duties of the Chair until the Chair's return or replacement, unless a temporary Chair has been appointed by the Speaker to assume said duties.

### **7.6—Meetings of Councils, Committees, and Subcommittees and Extensions Thereof**

Councils, committees, and subcommittees shall meet at the call of the Chair, within the dates, times, and locations designated by the Speaker. Meeting beyond the designated time shall be allowed only with leave granted by the Speaker. A council, committee, or subcommittee may continue the consideration of properly noticed legislation after the expiration of the time set for the meeting with the Speaker's approval and if a majority agree to continue or to temporarily recess to continue the meeting at a time and place certain on the same day, provided there is no conflict with another scheduled council, committee, or subcommittee meeting.

### **7.7—Hours for Meetings**

No council, committee, or subcommittee meeting shall begin before 8 a.m. or continue beyond 6 p.m., unless granted leave by the Speaker.

### **7.8—Councils, Committees, and Subcommittees Meeting During House Session**

No council, committee, or subcommittee shall meet while the House is in session without the consent of the House, except conference committees and the Rules & Calendar Council, when meeting to consider matters other than the substance of legislation.

### **7.9—Consideration of Proposed Committee Bills, Reviser’s Bills, General Appropriations and Related Bills, and House Combined Bills**

(a) Proposed committee bills (PCBs), reviser’s bills proposed by the Rules & Calendar Council, and the general appropriations bill and related legislation, including trust fund bills, proposed by the Fiscal Council shall be treated as other bills in satisfying the requirements for notice. Each such proposed bill shall be available to each council, committee, or subcommittee member no later than the time of posting of notice. Such a proposed bill taken up without the council, committee, or subcommittee conforming to this rule shall be regarded as being considered in workshop session only, with final action carried over to a future meeting of the council, committee, or subcommittee at which the requirements of this rule have been met.

(b) Before a committee or subcommittee may consider a proposed committee bill, the committee Chair and the council Chair shall jointly submit a request to the Speaker for approval.

(c) A council or committee may, at any time and without further approval, introduce legislation the substance of which is drawn from two or more general bills or joint resolutions filed in the House and in the possession of the council or committee. This shall be known as a House combined bill, which may be referred to by the acronym HCB or HCJR, as applicable. Such measure shall carry the numbers in serial order of the bills incorporated. Sponsors for a House combined bill shall be the council or committee introducing it followed by the first-named sponsors of the bills so incorporated in the same sequence as the serial order of the bills’ numbers. Cosponsors shall thereafter be listed alphabetically. Upon introduction of a combined bill, the original bills so joined shall be laid upon the table and may not be withdrawn from further consideration for purposes of exemption from the filing limitation in Rule 5.3.

(d) Proposed House combined bills shall be treated as other bills in satisfying the requirements for notice. Each proposed House combined bill shall be available to each council or committee member no later than the time of posting of notice. A proposed House combined bill taken up without

the council or committee conforming to this rule shall be regarded as being considered in workshop session only, with final action carried over to a future meeting of the council or committee at which the requirements of this rule have been met.

**7.10—Meetings of Councils, Committees, and Subcommittees: Time Required for Advance Notice During Sessions**

(a) During the first 45 calendar days of a regular session, prior notice shall be given 2 days (excluding Saturday and Sunday) in advance of a council, committee, or subcommittee meeting for the purpose of considering legislation. If the notice is filed with the Clerk by 4:30 p.m., a bill or proposed bill may be heard at any time on the second succeeding day. After the 45th calendar day and during any extended session, the notice shall be given at least 1 day in advance of the council, committee, or subcommittee meeting.

(b) During special sessions, councils, committees, and subcommittees shall provide notice at least 2 hours in advance of a meeting.

(c) The Chair of any committee or subcommittee may remove any item from an agenda at any time by filing an amended notice prior to commencement of the meeting.

(d) If a council, committee, or subcommittee is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed with the Clerk and posted.

(e) Except when meeting to consider the substance of legislation, the Rules & Calendar Council shall be exempt from the requirements of this rule.

**7.11—Nature and Distribution of Notice During Sessions**

(a) A notice shall include a listing and sufficient title for identification of bills or proposed bills to be considered by the council, committee, or subcommittee holding the meeting, including, time permitting, those directed to be retained. However, failure to include a bill directed to be retained in the notice does not preclude the motion to reconsider from being made.

(b) A notice shall state the date, time, and place of a meeting. The first-named sponsor and the members of the council, committee, or subcommittee shall be provided separate notice.

(c) Whenever timely, such notices shall be included in the Calendar of the House.

### **7.12—Nature and Distribution of Notice Between Sessions**

(a) During the period when the Legislature is not in session, before any council, committee, or subcommittee holds a meeting for the purpose of considering a bill, a House combined bill, a proposed House combined bill, or a proposed committee bill, a notice of such meeting shall be filed with the Clerk no later than 4:30 p.m. 7 calendar days before the Friday preceding the week of the meeting.

(b) The notice shall state the date, time, and place of the meeting, the bill or proposed bill number, and a portion of the title sufficient for identification.

(c) If a council, committee, or subcommittee is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed with the Clerk and posted.

(d) The council or committee administrative assistant shall transmit copies of the notice to the members of the council, committee, or subcommittee and to the first-named sponsor of the bill.

(e) Whenever timely, the Clerk shall enter such notices in an Interim Calendar.

(f) When two meetings have been scheduled by a council, committee, or subcommittee during a 30-day period when the Legislature is not in session, the council or committee Chair may provide in the notice for the first meeting that bills placed on the agenda for the first meeting and not reported out shall be available for consideration at the second meeting without further notice.

### **7.13—Reconsideration in Council, Committee, or Subcommittee**

A motion for reconsideration in council, committee, or subcommittee shall be treated in the following manner:

(a) When a main question has been decided by a council, committee, or subcommittee, any member voting with the prevailing side, or any member when the vote was a tie, may move for reconsideration.

(b) Without recognition, a member voting on the prevailing side on passage or defeat of a bill may, as a matter of right, direct that the bill be retained through the next council, committee, or subcommittee meeting for the purpose of reconsideration. Such direction by an individual member may be set aside by adoption of a motion to report the bill immediately, which

shall require a two-thirds vote. No bill may be directed to be retained after the 40th day of a regular session or during any extended or special session.

(c) A motion to reconsider a collateral matter must be disposed of during the course of consideration of the main subject to which it is related.

(d) If a bill has been directed to be retained, any member may move for its reconsideration at the next meeting of the council, committee, or subcommittee.

(e) If the council, committee, or subcommittee refuses to reconsider or, upon reconsideration, confirms its prior decision, no further motion to reconsider shall be in order except upon unanimous consent of the council, committee, or subcommittee members present.

(f) If a bill is not directed to be retained, it shall be promptly reported to the Clerk.

#### **7.14—Open Meetings; Decorum**

(a) All meetings of all councils, committees, and subcommittees shall be open to the public at all times, subject always to the authority of the Chair to maintain order and decorum; however, when reasonably necessary for security purposes or the protection of a witness, a Chair, with the concurrence of the Speaker and the Minority Leader, may close a council, committee, or subcommittee meeting, or portion thereof, and the record of such meeting may not disclose the identity of the witness appearing before the council, committee, or subcommittee.

(b) The Chair shall exercise all authority necessary to maintain order and decorum, including the authority to require all persons attending a council, committee, or subcommittee meeting to silence all audible electronic equipment.

#### **7.15—Unfavorable Reports**

(a) A bill reported unfavorably by a council or committee shall be laid on the table.

(b) A bill reported unfavorably by a council or committee may be taken from the table upon the motion of any member on the floor, adopted by a two-thirds vote, after debate not to exceed 6 minutes evenly divided between proponents and opponents of the motion.

(c) A bill reported unfavorably by a subcommittee shall appear on the agenda for the next meeting of the parent committee following the

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unfavorable vote of the subcommittee, consistent with time and notice requirements. A bill reported unfavorably by a subcommittee shall be laid upon the table and shall be reported unfavorably following the next meeting of the parent committee after the unfavorable report of the subcommittee, unless a member of the parent committee, at such meeting, makes a motion, which shall be decided without debate, to take the bill from the table. A two-thirds vote shall be required to take the bill from the table. If the bill that previously had been reported unfavorably by a subcommittee is taken from the table, the parent committee shall take up the bill with debate limited to members of the committee and the first-named sponsor. However, by a two-thirds vote, the bill may receive a hearing *de novo* and witnesses shall be permitted to testify.

**7.16—Voting in Council and Committee; Votes After Roll Call**

(a) A majority of the members of a council, committee, or subcommittee present, a quorum having been established, shall agree by their recorded votes upon the disposition of any bill or other main question considered by the council, committee, or subcommittee. (Florida Constitution, Article III, Section 4(c), in part: “. . . In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.”)

(b) Absent members may submit an indication of how they would have voted if present, but this shall not be counted on a roll call. Such votes after roll call shall be attached to the council or committee report when filed with the Clerk.

**7.17—Proxy Voting Prohibited**

A member of a council, committee, or subcommittee may not, under any circumstance, vote by proxy.

**7.18—Quorum Requirement**

(a) A majority of the membership of the council, committee, or subcommittee shall constitute a quorum.

(b) Only those members present may vote on any matter.

(c) A council, committee, or subcommittee may conduct a workshop with or without a quorum.

(d) A council, committee, or subcommittee may not file a report unless the council, committee, or subcommittee has met at an authorized time and place, with a quorum present.

### **7.19—Nature and Contents of Council, Committee, and Subcommittee Reports**

(a) It shall be the duty of councils, committees, and subcommittees to report House bills either favorably, favorably with council or committee substitute, or unfavorably, and Senate bills either favorably, favorably with (number of) amendment(s), or unfavorably, but never without recommendation. A motion to lay a bill on the table shall be construed as a motion to report the pending bill unfavorably.

(b) Each report of a council, committee, or subcommittee must contain the action of the council, committee, or subcommittee on the bill being transmitted, together with a Council, Committee, or Subcommittee Information Record stating:

(1) The time and place of the meeting at which the action was taken;

(2) The name and address of each person appearing before the council, committee, or subcommittee relative to the measure and, if an agent, the interest represented; and

(3) The vote of each member of the council, committee, or subcommittee on the motion to report each bill.

(c) Each report by a council, committee, or subcommittee shall set forth the identifying number of the bill, and, if a council or committee substitute is proposed by the council, committee, or subcommittee, the words “with council or committee substitute” or, in the case of Senate bills, if one or more amendments are proposed by the council, committee, or subcommittee, the words “with (number of) amendment(s)” shall follow the identifying number. For the purpose of documentation, councils, committees, and subcommittees shall retain copies of their reports and amendments adopted, rejected, or withdrawn, with the council, committee, or subcommittee action noted thereon.

(d) Councils, committees, and subcommittees shall report their actions promptly, in the manner prescribed by these rules.

### **7.20—Minority Reports**

Minority reports on any matter may be published in the *Journal* only by a majority vote of the House.

### **7.21—Fiscal Analysis**

(a) All general bills affecting revenues, expenditures, or fiscal liability shall be accompanied by a fiscal analysis upon being reported favorably by the Fiscal Council or a standing fiscal committee.

(b) If any bill with a fiscal impact is reported favorably by the Fiscal Council or any standing fiscal committee without a fiscal analysis having been prepared, it shall be the right of any member to raise a point of order on second reading and the Speaker may order the bill recommitted to the Fiscal Council.

(c) Fiscal analyses shall state in dollars the estimated increase or decrease in revenues or expenditures and the present and future fiscal implication of the bill. A fiscal analysis shall be regarded as a memorandum of factual information and may be included within the body of the bill analysis that accompanies the bill, which statement shall be made available to members.

(d) The fiscal analysis portion of the bill analysis shall not express comment or opinion relative to the merits of the legislation proposed, but should point out technical or mechanical defects.

(e) The accuracy of a fiscal analysis shall not be a basis for a point of order under these rules. A fiscal analysis prepared for a House bill may be presumed as prepared also for its Senate companion.

### **7.22—Council, Committee, and Subcommittee Amendments**

(a) Councils, committees, and subcommittees may only consider amendments presented in final written form prior to adoption.

(b) Any member may offer an amendment to a bill being considered by any council, committee, or subcommittee of the House and shall be recognized to introduce and close on the amendment. If not appointed to the council, committee, or subcommittee, a member who offers an amendment must comply with the amendment filing deadline and must be present at the meeting. If such member is not present, the amendment may be considered only if taken up and offered by a member who is appointed to the council, committee, or subcommittee.

(c) During the first 45 calendar days of a regular session, the filing deadline for amendments to be offered in a council, committee, or subcommittee by non-appointed members shall be 5 p.m., 1 day (excluding Saturday and Sunday) in advance of the council, committee, or subcommittee meeting. After the 45th day and during any extended

session, such amendments shall be filed 2 hours before the council, committee, or subcommittee meeting. Amendments introduced by council, committee, or subcommittee members, including *ex officio* members, shall not be subject to these filing deadlines and may be offered at any time during consideration of a bill.

(d) Councils and committees shall propose revisions to House bills only in the form of a single amendment. The amendment shall be made up of the text of the bill with recommended changes engrossed. Such a measure shall be known as a council or committee substitute and shall be treated as the bill. A council or committee of later reference shall address itself for purposes of amendment to the most recently adopted council or committee substitute, if one accompanies the pending measure. An earlier council or committee substitute shall be laid on the table upon adoption of a council or committee substitute by a later council or committee of reference.

### **7.23—Council and Committee Information Records; Designation of Committee Bill Cosponsors**

(a) A council, in introducing a House combined bill, shall submit a Council Information Record; and a committee, in introducing a committee bill or a House combined bill, shall submit a Committee Information Record.

(b) In introducing a committee bill, the Chair shall designate a member of the committee as cosponsor, with the approval of such member, and may designate other members of the committee as cosponsors, with their approval.

## **Part Three—Conference Committees**

### **7.24—Conference Committee Meetings; Procedures**

(a) Meetings of conference committees shall be open to the public at all times, subject to the authority of the Chair to maintain order and decorum. Once appointed, the conference committee shall determine its procedures.

(b) The Chair of any conference committee shall give notice at least 2 hours prior to the meeting and after the 50th day of a regular session or during any extended or special session 1 hour's notice of intention to meet.

### **7.25—Composition of Conference Committee**

(a) A conference committee shall consist of managers from each house. The Speaker shall appoint the House managers of all conference committees. The Speaker shall determine the number as need appears and

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shall appoint no less than a majority who generally supported the House position as determined by the Speaker. In addition, the Speaker shall name the House Chair of each conference committee and may also name the House Vice Chair. The Speaker shall give notice of such appointments in writing to the Clerk for publication in the *Journal*.

(b) The conference committee shall select one of its members to preside. A conference committee report shall require the affirmative votes of a majority of the managers from each house.

**7.26—Presentation of Conference Committee Report**

(a) The receiving of conference committee reports shall always be in order, except when the House is voting on any proposition. When a conference committee report is presented to the House, the sequence shall be:

(1) The vote first shall be on whether the report shall be considered at that time.

(2) The next vote shall be on acceptance or rejection of the report in its entirety. The report must be acted upon as a whole, being agreed to or disagreed to in its entirety.

(3) The final vote shall be a roll call on the passage of the bill as amended by the report.

(b) If either paragraph (a)(2) or paragraph (a)(3) fails, the report shall be automatically recommitted to the conference committee. If a motion to reconsider is made, the vote first would be on paragraph (a)(2) and then on paragraph (a)(3).

**7.27—Form of Conference Committee Report**

(a) When a conference committee has redrafted a bill, the committee shall report an amendment removing everything after the enacting clause, together with an appropriate title amendment if needed.

(b) Each conference committee report must be accompanied by a statement, written or oral, to inform the House of the effect of the report on the measure to which it relates.

**7.28—Time Restraints on Conference Committees**

(a) During the first 54 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers and

appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 7 calendar days and have failed to report.

(b) During the last 6 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers and appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 36 hours and have failed to report.

### **7.29—When Managers Are Unable to Agree**

When a conference committee is appointed in reference to any bill and the House managers report inability to agree, no action of the House taken prior to such appointment shall preclude further action by the House as the House may determine.

## **Part Four—Oversight Powers and Responsibilities**

### **7.30—Oversight Powers and Responsibilities of Councils, Committees, and Subcommittees**

(a) Councils, committees, and subcommittees are authorized:

(1) To maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area;

(2) To invite public officials, public employees, and private individuals to appear before the councils, committees, or subcommittees to submit information;

(3) To request reports from departments performing functions reasonably related to the committees' jurisdictions;

(4) To complete the interim projects assigned by the Speaker; and

(5) To conduct such other business as directed by the Speaker.

(b) In order to carry out its duties, each council, committee, or subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

(c) In order to carry out the duties of the council, committee, or subcommittee, the Chair of the council or committee may issue subpoenas *duces tecum*, as provided in Rule 16.1, and other necessary process to

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compel the attendance of witnesses either before the council, committee, or subcommittee or at deposition and the production of any books, letters, or other documentary evidence required by such council or committee. Any member of a council, committee, or subcommittee may administer all oaths and affirmations.

## RULE EIGHT

### DEBATE AND CHAMBER PROTOCOL

#### Part One—Privilege of the Floor

##### 8.1—Privilege of the Floor

(a) Only present members of the House and of the Senate, and contestants in election cases during the pendency of their cases in the House, shall be admitted during regular daily sessions to the Chamber of the House.

(b) The Governor, the Lieutenant Governor, Cabinet members, Justices of the Supreme Court, members of Congress, visiting dignitaries, official guests, and former members of the Legislature who are not interested in any claim or directly in any bill pending before the Legislature may be granted the privilege of the floor by the House.

(c) House employees may be admitted to the Chamber as determined by the Speaker.

(d) Persons granted the privilege of the floor may not lobby the members while the House is in session, unless by motion granted leave to address the House.

(e) When the House is in session, all persons in the House Chamber shall be dressed in proper business attire.

#### Part Two—Speaking

##### 8.2—Addressing the House; Requirements to Spread Remarks Upon the *Journal*

(a) When a member desires to speak or deliver any matter to the House, the member shall rise and respectfully address the Speaker as “Mr. (or Madam) Speaker” and shall confine all remarks to the question under debate, avoiding personalities. Once recognized, a member may speak from the member’s desk or may, with the Speaker’s permission, speak from the well.

(b) Any motion to spread remarks upon the *Journal*, except those of the Governor or the Speaker, shall be referred to the Chair of the Rules & Calendar Council for recommendation before being put to the House.

### **8.3—When Two Members Rise at Once**

When two or more members rise at once, the Speaker shall name the one who is to speak first. This decision shall be final and not open to debate or appeal.

### **8.4—Recognition of Members**

There shall be no appeal from the Speaker's recognition, but the Speaker shall be governed by the rules and usage in priority of entertaining motions from the floor. When a member seeks recognition, the Speaker may ask, "For what purpose does the member rise?" or "For what purpose does the member seek recognition?"

### **8.5—Recognition of Gallery Visitors and Physician of the Day**

On written request by a member, on a form prescribed by the Clerk, the Speaker may recognize or permit the member to recognize any person or persons in the gallery. After granting a request for recognition, the Speaker shall afford that recognition at a convenient place in the order of business, considering the need for order and decorum and the need for continuity of debate. At an appropriate time during proceedings on the floor, the Speaker may recognize a Physician of the Day.

## **Part Three—Debate**

### **8.6—Decorum**

The members shall attend to the debates unless necessarily prevented, and no member shall stand between the Speaker and a member recognized to speak.

### **8.7—Speaking and Debate; Right to Close**

(a) A member may not speak more than once nor occupy more than 15 minutes in debate on any question. A member who has the floor may not be interrupted by another member for any purpose, save the privilege of the House, unless he or she consents to yield to the other member. A member desiring to interrupt another in debate should first address the Speaker for the permission of the member speaking. The Speaker shall then ask the member who has the floor if he or she wishes to yield, and then announce the decision of that member. Whether to yield shall be entirely within the speaking member's discretion; however, this subsection shall not deprive the first-named sponsor or mover of the right to close when the effect of an amendment or motion would be to kill the bill, amendment, or motion.

- (b) Debate may not be disguised in the form of a question.

### **8.8—Right to Open and Close Debate**

The member presenting a motion shall have the right to open and close the debate, and for this purpose may speak each time up to 10 minutes, unless otherwise limited by majority vote of the House, notwithstanding the limitation in Rule 8.7(a).

## **Part Four—Materials and Meals in Chamber**

### **8.9—Distribution of Materials in Chamber; Meals in Chamber**

(a) The following constitutes policy regarding material distributed to the general membership through the Sergeant at Arms' Office and pages:

(1) All material prior to such distribution must be approved by the Chair of the Rules & Calendar Council.

(2) The following official materials are approved: House and Senate bills, resolutions, memorials, and amendments thereto, and official calendars and journals; council, committee, and subcommittee meeting notices; communications from the Speaker and Clerk and official communications from the Senate; and official staff reports of councils or standing or select committees or of the majority or minority parties.

(b) Meals will not be allowed on the floor without concurrence of a majority vote. This shall not be construed to prevent the serving of drinks such as juices, coffee, tea, soft drinks, milk, and the like.

## **Part Five—Miscellaneous Papers**

### **8.10—Miscellaneous Papers**

Papers of a miscellaneous nature addressed to the House may, at the discretion of the Speaker, be read, noted in the *Journal*, or filed with the appropriate committee. When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and such reading is objected to by any member, it shall be determined without debate by the House by a majority vote.



## RULE NINE

### VOTING

#### 9.1—Members Shall Vote

Every member shall be within the House Chamber during its sittings, unless excused or necessarily prevented, and shall vote on each question put.

#### 9.2—Taking the Yeas and Nays

The Speaker shall declare all votes, but if any member rises to doubt a vote, upon a showing of hands by five members, the Speaker shall take the sense of the House by oral or electronic roll call. When taking the yeas and nays on any question, the electronic roll-call system may be used and when so used shall have the force and effect of a roll call taken as provided in these rules. This system likewise may be used to determine the presence of a quorum. When the House is ready to vote upon a question requiring roll call, and the vote is by electronic roll call, the Speaker shall say, "The question now recurs on (designating the matter to be voted upon). The Clerk will unlock the machine and the House will proceed to vote." When sufficient time has elapsed for each member to vote, the Speaker shall ask, "Have all members voted?" After a short pause the Speaker shall say, "The Clerk will lock the machine and record the vote." When the vote is completely recorded, the Speaker shall announce the result to the House, and the Clerk shall record the action upon the *Journal*.

#### 9.3—Vote of the Speaker or Temporary Presiding Officer

The Speaker or temporary presiding officer is not required to vote in legislative proceedings other than on final passage of a bill, except when the Speaker's or temporary presiding officer's vote would be decisive. In all yea and nay votes, the Speaker's or temporary presiding officer's name shall be called last. With respect to voting, the Speaker or temporary presiding officer is subject to the same disqualification and disclosure requirements as any other member.

#### 9.4—Votes After Roll Call; Finality of a Roll Call Vote

(a) After the result of a roll call has been announced, a member may submit to the Clerk an indication of how the member would have voted or would have voted differently. The Clerk shall provide forms for the recording

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of these actions. When timely made, these requests shall be shown beneath the roll call in the *Journal*. Otherwise, the request shall be shown separately in the *Journal*.

(b) In no instance, other than by reason of an electronic or mechanical malfunction, shall the result of a voting machine roll call on any question be changed.

**9.5—No Member to Vote for Another Except by Request**

(a) No member may vote for another member except at the other member's specific request when absent from his or her seat but present elsewhere in the Chamber, nor may any person who is not a member cast a vote for a member.

(b) In no case shall a member vote for another on a quorum call.

(c) Any member who votes or attempts to vote for another member in violation of this rule may be disciplined in such a manner as the House may deem proper.

(d) Any person who is not a member and who votes in the place of a member shall be subject to such discipline as the House may deem proper.

**9.6—Explanation of Vote**

A member may not explain his or her vote during a roll call, but may reduce his or her explanation to writing, in not more than 200 words in an electronic format. Upon being filed with the Clerk, this explanation shall be spread upon the *Journal*.

# RULE TEN

## ORDER OF BUSINESS AND CALENDARS

### Part One—Order of Business

#### 10.1—Daily Sessions

The House shall meet each legislative day at 9 a.m. or as stated in the motion adjourning the House on the prior legislative day on which the House met.

#### 10.2—Daily Order of Business

(a) When the House convenes on a new legislative day, the daily order of business shall be as follows:

1. Call to Order
2. Prayer
3. Roll Call
4. Pledge of Allegiance
5. Correction of the *Journal*
6. Communications
7. Messages from the Senate
8. Reports of Councils and Standing Committees
9. Reports of Select Committees
10. Motions Relating to Council and Committee References
11. Matters on Reconsideration
12. Bills and Joint Resolutions on Third Reading
13. Special Orders
14. House Resolutions
15. Unfinished Business
16. Introduction and Reference.

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(b) During special sessions, the order of business of Introduction and Reference shall be called for immediately following the order of business of Correction of the *Journal*.

(c) Within each order of business, matters shall be considered in the order in which they appear on the daily printed Calendar of the House.

(d) After the 45th day of a regular session, by a majority vote, the House may, on motion of the Chair or Vice Chair of the Rules & Calendar Council, move to Communications, Messages from the Senate, Bills and Joint Resolutions on Third Reading, or Special Orders. The motion may provide which matter on such order of business may be considered.

**10.3—Chaplain to Offer Prayer**

A chaplain shall attend at the beginning of each day's sitting of the House and open the same with prayer. In the absence of a chaplain, the Speaker may designate someone else to offer prayer.

**10.4—Quorum**

A majority of the membership of the House shall constitute a quorum to conduct business.

**10.5—Consideration of Senate Messages: Generally**

Senate messages may be considered by the House at the time and in the order determined by the Speaker.

**Part Two—Readings**

**10.6—"Reading" Defined**

"Reading" means the stage of consideration of a bill, resolution, or memorial after reading of a portion of the title sufficient for identification, as determined by the Speaker.

**10.7—Reading of Bills and Joint Resolutions**

Each bill and each joint resolution shall be read on 3 separate days prior to a vote upon final passage unless this rule is waived by a two-thirds vote, provided the publication of a bill or joint resolution by its title in the *Journal* shall satisfy the requirements of first reading.

### **10.8—Reading of Concurrent Resolutions and Memorials**

Concurrent resolutions and memorials shall be read on 2 separate days prior to a voice vote upon adoption, except that concurrent resolutions extending a legislative session or involving other procedural legislative matters may be read twice without motion on the same legislative day.

### **10.9—Reading of House Resolutions**

(a) A House resolution shall receive two readings by title only prior to a voice vote upon adoption.

(b) Ceremonial resolutions may be shown as read and adopted by publication in full in the *Journal* in accordance with Rule 10.16.

### **10.10—Measures on Third Reading**

(a) Bills on third reading shall be taken up in the order in which the House concluded action on them on second reading.

(b) Before any bill shall be read the third time, whether amended or not, it shall be referred without motion to the Engrossing Clerk for examination and, if amended, the engrossing of amendments. In the case of any Senate bill amended in the House, the amendment adopted shall be reproduced and attached to the bill amended in such manner that it will not be lost therefrom.

(c) A bill shall be deemed on its third reading when it has been read a second time on a previous day and has no motion left pending.

## **Part Three—Calendars**

### **10.11—Special Order Calendar**

#### **(a) REGULAR SESSION**

(1) The Rules & Calendar Council shall periodically submit, as needed, a Special Order Calendar determining the sequence for consideration of legislation. The Special Order Calendar may include bills on second reading, bills on unfinished business, resolutions, and specific sections for local bills, trust fund bills, and bills to be taken up at a time certain. Upon adoption of a Special Order Calendar, no other bills shall be considered for the time period set forth for that Special Order Calendar, except that any bill appearing on that Special Order Calendar may be stricken from it by a majority vote or any bill may be added to it pursuant to Rule 10.12. A

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previously adopted Special Order Calendar shall expire upon adoption by the House of a new Special Order Calendar.

(2) Any council, committee, or member may apply in writing to the Chair of the Rules & Calendar Council to place a bill on the Special Order Calendar. The Rules & Calendar Council may grant such requests by a majority vote.

(3) During the first 55 days of a regular session, the Special Order Calendar shall be published in two Calendars of the House, and it may be taken up on the day of the second published Calendar. After the 55th day of a regular session, the Special Order Calendar shall be published in one Calendar of the House and may be taken up on the day the Calendar is published.

**(b) EXTENDED OR SPECIAL SESSION**

(1) If the Legislature extends a legislative session, all bills on the Calendar of the House at the time of expiration of the regular session shall be placed in the Rules & Calendar Council.

(2) During any extended or special session, all bills upon being reported favorably by the last council or committee of reference shall be placed in the Rules & Calendar Council.

(3) During any extended or special session, the Rules & Calendar Council shall establish a Special Order Calendar and only those bills on such Special Order Calendar shall be placed on the Calendar of the House.

(4) During any extended or special session, the Special Order Calendar shall be published in one Calendar of the House and bills thereon may be taken up on the day the Calendar is published.

**10.12—Consideration of Bills Not on Special Order**

A bill not included on the Special Order Calendar may be considered by the House upon a two-thirds vote.

**10.13—Consent Calendar**

The Rules & Calendar Council may submit Consent Calendar procedures to expedite the consideration of noncontroversial legislation.

### **10.14—Requirements for Placement on Special Order**

No measure may be placed on a Special Order Calendar until it has been reported favorably by each council and committee of reference and is available for consideration on the floor.

### **10.15—Informal Deferral of Bills**

Whenever the member who introduced a bill, the first-named member sponsor of a committee bill, or the lead sponsor of a House combined bill is absent from the Chamber when the bill has been reached in the regular order on second or third reading, consideration shall be informally deferred until such member's return, unless another member consents to offer the bill on behalf of the original member. The bill shall retain its position on the Calendar of the House during the same legislative day. The member shall have the responsibility of making the motion for its subsequent consideration.

## **Part Four—Ceremonial Resolutions**

### **10.16—Ceremonial Resolutions Published in *Journal***

Upon approval of the Chair of the Rules & Calendar Council, a ceremonial resolution may be shown as read and adopted by publication in full in the *Journal*. The Rules & Calendar Council shall distribute a list of such resolutions 1 day (excluding Saturday and Sunday) prior to the day of their publication, during which time any member may file an objection with the Rules & Calendar Council to any resolution listed. Each resolution for which an objection has been filed shall be removed from the list and placed on the Calendar of the House. All resolutions without objections shall be printed on the next legislative day in the *Journal* and considered adopted by the House.

## **Part Five—Procedural Limitations in Final Week**

### **10.17—Consideration Limits to Bills After Day 55**

After the 55th calendar day of a regular session, no House bills on second reading may be taken up and considered by the House.

### **10.18—Consideration Limits After Day 58**

After the 58th calendar day of a regular session, the House may consider only:

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- (a) Senate messages
- (b) Conference reports
- (c) Concurrent resolutions.

## RULE ELEVEN

### MOTIONS

#### 11.1—Motions; How Made

Every motion shall be made orally, except when requested by the Speaker to be reduced to writing.

#### 11.2—Precedence of Motions During Debate

(a) When a question is under debate, the Speaker shall receive no motion except:

- (1) To adjourn at a time certain
- (2) To adjourn
- (3) To recess to a time certain
- (4) To lay on the table
- (5) To reconsider
- (6) For the previous question
- (7) To limit debate
- (8) To temporarily postpone
- (9) To postpone to a time or day certain
- (10) To refer to or to recommit to council or committee
- (11) To amend
- (12) To amend by removing the enacting or resolving clause.

(b) Such motions shall have precedence in the descending order given.

#### 11.3—Questions of Order Decided Without Debate

All procedural questions of order, arising after a motion is made for any of the motions named in Rule 11.2 and pending that motion, shall be decided by the Speaker without debate, whether on appeal or otherwise; however, the Speaker may ask the House for comment.

### **11.4—Division of Question**

Any member may call for a division of a question when the sense will admit of it. A motion to remove and insert shall be deemed indivisible. A motion to remove, being lost, shall preclude neither amendment nor a motion to remove and insert.

### **11.5—Motion to Recess to a Time Certain**

A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that the motion is debatable when no business is before the House and can be amended as to the time to recess and duration of the recess. It yields only to a motion to adjourn.

### **11.6—Motion to Lay on the Table**

A motion to lay on the table is not debatable and cannot be amended; however, before the motion is put, the first-named sponsor of a bill or the mover of a debatable motion shall be allowed 5 minutes within which to discuss the same and may divide the time with, or waive this right in favor of, some other member. A motion to table a main question requires a majority vote. A motion to lay an amendment on the table, if adopted, does not carry with it the measure to which it adheres. A motion to lay an amendment on the table may be adopted by a majority vote.

### **11.7—Motion to Reconsider; Immediate Certification of Bills**

(a) When a motion or main question has been made and carried or lost, it shall be in order at any time as a matter of right on the same or succeeding legislative day for a member voting with the prevailing side, or for any member in the case of a voice or tie vote, to move for reconsideration thereof.

(b) When a majority of members vote in the affirmative but the proposition is lost because it is one in which the concurrence of a greater number than a majority is necessary for adoption or passage, any member may move for a reconsideration.

(c) The motion to reconsider shall require a majority vote for adoption, and such motion shall not be renewed on any proposition, after once being considered by vote of the House, except by unanimous consent.

(d) Debate shall be allowed on a motion to reconsider only when the question that it is proposing to reconsider is debatable. When debate upon

a motion to reconsider is in order, no member shall speak thereon more than once or for more than 5 minutes.

(e) The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from consideration of the House.

(f) A motion to reconsider a collateral matter must be disposed of at once during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the House has passed to other business.

(g) No bill referred or recommitted to a council or committee by a vote of the House shall be brought back into the House on a motion to reconsider.

(h) The Clerk shall retain possession of all bills and joint resolutions for the period after passage during which reconsideration may be moved, except that local bills, concurrent resolutions, and memorials shall be transmitted to the Senate without delay.

(i) The adoption of a motion to waive the rules and immediately certify any bill to the Senate shall be construed as releasing the measure from the Clerk's possession for the period of reconsideration.

(j) Unless otherwise directed by the Speaker, during the last 14 days of a regular session or any extensions thereof and during any special session, all measures acted on by the House shall be transmitted to the Senate without delay.

### **11.8—Motion for the Previous Question**

(a) The previous question may be asked and ordered upon any debatable single motion, series of motions, or amendment pending and the effect thereof shall be to conclude all action on the same day. If third reading is reached on another day, the order for the previous question must be renewed on that day.

(b) The motion for the previous question shall be decided without debate. If the motion prevails, the sponsor of a bill or debatable motion and an opponent shall be allowed 3 minutes each within which to debate the pending question, and each may divide the time with, or waive this right in favor of, some other member. On second reading the final available question is the main amendment; on third reading it is the bill.

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(c) When the motion for the previous question is adopted on a main question, the sense of the House shall be taken without delay on pending amendments and such question in the regular order.

(d) The motion for the previous question may not be made by the first-named sponsor or mover.

**11.9—Motion to Limit Debate**

When there is debate by the House, it shall be in order for a member to move to limit debate and such motion shall be decided without debate, except that the first-named sponsor or mover of the question under debate shall have 5 minutes within which to discuss the motion and may divide the allotted time with, or waive it in favor of, some other member. If, by majority vote, the question is decided in the affirmative, debate shall be limited to 10 minutes for each side, unless a greater time is stated in the motion, such time to be apportioned by the Speaker; however, the first-named sponsor or mover shall have an additional 5 minutes within which to close the debate and may divide the allotted time with, or waive it in favor of, some other member.

**11.10—Motion to Temporarily Postpone**

The motion to temporarily postpone shall be decided without debate and shall cause a measure to be set aside but retained on the desk. If a main question has been temporarily postponed after having been debated or after motions have been applied and is not brought back before the House on the same legislative day, it shall be placed under the order of unfinished business on the Calendar of the House. If a main question is temporarily postponed before debate has commenced or motions have been applied, its reading shall be considered a nullity and the bill shall retain its original position on the order of business. The motion to return to consideration of a temporarily postponed main question shall be made under the proper order of business when no other matter is pending. If applied to a collateral matter, the motion to temporarily postpone shall not cause the main question to be carried with it. After having been temporarily postponed, if a collateral matter is not brought back before the House in the course of consideration of the adhering or main question, it shall be deemed abandoned.

**11.11—Motions to Withdraw or Refer Bills**

(a) A motion to withdraw a bill from council or committee shall require a two-thirds vote.

(b) A motion to withdraw a bill from subcommittee shall require a majority vote of the parent committee and may be made any time prior to a report having been voted in the subcommittee.

(c) Any member may, no later than under the order of business of Motions Relating to Council and Committee References on the legislative day following reference of a bill, move for reference from one council or committee to a different council or committee, which shall be decided by a majority vote.

(d) A motion to refer a bill from one council or committee to another council or committee other than as provided in subsection (c), may be made during the regular order of business and shall require a two-thirds vote.

(e) A motion to refer a bill to an additional committee may be made during the regular order of business and shall require a two-thirds vote.

(f) A motion to refer shall be debated only as to the propriety of the reference.

(g) A motion to withdraw a bill from further consideration of the House shall require a two-thirds vote.

(1) The Chair or Vice Chair of the Rules & Calendar Council, at the request of the first-named member sponsor, may move for the withdrawal of a bill from further consideration.

(2) The first-named member sponsor of a bill may, prior to its introduction, withdraw the bill by letter to the Clerk.

(3) In moving for the withdrawal of a bill from further consideration by floor motion, the introducer shall be required to identify the nature of the bill.

### **11.12—Motion to Recommit**

(a) After a council or committee reports favorably on a bill, the bill may be recommitted by the House to a council or committee by a majority vote.

(b) A motion to recommit to council or committee a bill that is before the House may be made during the regular order of business. The motion shall be debatable only as to the propriety of that reference and shall require an affirmative majority vote.

(c) If a bill on third reading is recommitted to a council or committee and the council or committee reports the bill favorably with council or committee substitute or with one or more amendments, the bill shall return to second reading.

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(d) Recommitment of a House bill shall automatically carry with it a Senate companion bill then on the Calendar of the House.

**11.13—Dilatory Motions**

Dilatory or delaying motions shall not be in order as determined by the Speaker.

**11.14—Withdrawal of Motions**

The mover of a motion may withdraw the motion at any time before it has been amended or a vote on it has commenced.

# RULE TWELVE

## AMENDMENTS

### 12.1—Form

Floor amendments and council and committee substitutes shall be prepared by the House Bill Drafting Service and filed with the Clerk.

### 12.2—Filing Deadlines for Floor Amendments

(a) During the first 55 calendar days of a regular session:

(1) Main floor amendments must be approved for filing with the Clerk by 2 p.m. of the first day a bill appears on the Special Order Calendar in the Calendar of the House; and

(2) Amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing by 5 p.m. of the same day.

(b) After the 55th day of a regular session and during any extended or special session:

(1) Main floor amendments must be approved for filing with the Clerk not later than 2 hours before session is scheduled to convene on the day a bill appears on the Special Order Calendar in the Calendar of the House; and

(2) Amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing not later than 1 hour after the main floor amendment deadline.

(c) A late-filed floor amendment may be taken up for consideration only upon motion adopted by a two-thirds vote.

### 12.3—Presentation and Consideration

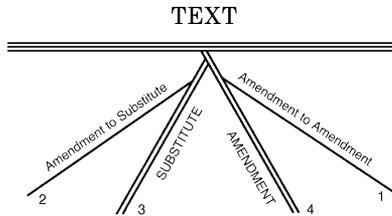
(a) Amendments shall be taken up only as sponsors gain recognition from the Speaker to move their adoption, except that the Chair of the council or committee (or any member thereof designated by the Chair) reporting the measure under consideration shall have preference for the presentation of council or committee amendments to Senate bills.

(b) If a council or committee substitute accompanies a bill, it shall be considered as the original bill for purposes of further amendment. Floor amendments shall be drawn to the council or committee substitute.

**RULE TWELVE  
AMENDMENTS**

(c) An amendment to a pending main amendment may be received, but until it is disposed of no other motion to amend will be in order except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

- (1) Amendments to the amendment are voted on before the substitute is taken up. Only one amendment to the amendment is in order at a time.
- (2) Amendments to the substitute are next voted on.
- (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.



(d) The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order.

(e) For the purpose of this rule, an amendment shall be deemed pending only after its proposer has been recognized by the Speaker and has moved its adoption.

(f) Reviser's bills may be amended only by making deletions.

**12.4—Second and Third Reading; Vote Required on Third Reading**

(a) A motion to amend is in order during the second or third reading of any bill.

(b) Amendments proposed on third reading shall require a two-thirds vote for adoption, except that technical amendments introduced in the name of the Rules & Calendar Council shall require a majority vote for adoption.

(c) A motion for reconsideration of an amendment on third reading requires a two-thirds vote for adoption.

## 12.5—Amendment of General Appropriations Bill

Whenever an amendment is offered to a general appropriations bill that would increase any line item of such bill, such amendment shall show the amount by line item of the increase and shall, from within the jurisdiction of the same standing fiscal committee, decrease a line item or items in an amount or amounts equivalent to or greater than the increase required by the amendment.

## 12.6—Consideration of Senate Amendments

(a) After the reading of a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named:

- (1) Amend the Senate amendment
- (2) Concur in the Senate amendment
- (3) Refuse to concur and ask the Senate to recede

(4) Request the Senate to recede and, failing to do so, to appoint a conference committee to meet with a like committee appointed by the Speaker.

(b) If the Senate refuses to concur in a House amendment to a Senate bill, the following motions shall be in order and shall be privileged in the order named:

- (1) That the House recede
- (2) That the House insist and ask for a conference committee
- (3) That the House insist.

(c) The Speaker may, upon determining that a Senate amendment substantially changes the bill as passed by the House, refer the Senate message, with the bill and Senate amendment or amendments, to the appropriate House council or committee for review and report to the House. The Speaker, upon such reference, shall announce the date and time for the council or committee to meet. The council or committee shall report to the House the recommendation for disposition of the Senate amendment or amendments under one of the four options presented in subsection (a). The report shall be furnished to the Clerk and to the House, in writing, by the Chair of the reporting council or committee.

### **12.7—Motion to Amend by Removing Enacting or Resolving Clause**

An amendment to remove the enacting clause of a bill or the resolving clause of a resolution or memorial shall, if carried, be considered as equivalent to rejection of the bill, resolution, or memorial by the House.

### **12.8—Germanity of House Amendments**

#### **(a) GERMANITY**

(1) Neither the House nor any council, committee, or subcommittee shall consider an amendment that relates to a different subject or is intended to accomplish a different purpose than that of the pending question or that, if adopted, would require a title amendment for the bill that is substantially different from the bill's original title or that would unreasonably alter the nature of the bill.

(2) The Speaker, or the Chair in the case of an amendment offered in council, committee, or subcommittee, shall determine the germanity of any amendment when the question is timely raised.

(3) An amendment of the second degree or a substitute amendment must be germane to both the main amendment and the measure to which it adheres.

**(b) AMENDMENTS THAT ARE NOT GERMANE.** House amendments that are not germane include:

(1) A general proposition amending a specific proposition

(2) An amendment amending a statute or session law when the purpose of the bill is limited to repealing such law, or an amendment repealing a statute or session law when the purpose of the bill is limited to amending such law

(3) An amendment that substantially expands the scope of the bill

(4) An amendment to a bill when legislative action on that bill is by law or these rules limited to passage, concurrence, or non-concurrence as introduced.

**(c) AMENDMENTS THAT ARE GERMANE.** Amendments that are germane include:

(1) A specific provision amending a general provision

(2) An amendment that accomplishes the same purpose in a different manner

- (3) An amendment limiting the scope of the proposal
  - (4) An amendment providing appropriations necessary to fulfill the original intent of a proposal
  - (5) An amendment that changes the effective date of a repeal, reduces the scope of a repeal, or adds a short-term nonstatutory transitional provision to facilitate repeal.
- (d) WAIVER OF RULE. Waiver of this rule shall require unanimous consent of the House.

### **12.9—Amendments Out of Order**

An amendment is out of order if it is the principal substance of a bill that has:

- (a) Received an unfavorable council or committee report
- (b) Been withdrawn from further consideration
- (c) Not been reported favorably by at least one committee of reference

and may not be offered to a bill on the Calendar of the House and under consideration by the House. Any amendment that is substantially the same, and identical as to specific intent and purpose, as the measure residing in the council or committee(s) of reference is covered by this rule.

### **12.10—Printing of Amendments in *Journal***

All amendments taken up, unless withdrawn, shall be printed in the *Journal*, except that an amendment to a general appropriations bill constituting an entirely new bill shall not be printed except upon consideration of the conference committee report.



## RULE THIRTEEN

### RULES

#### 13.1—Initial Adoption of Rules of the House

The initial adoption of the Rules of the House shall require a majority vote. Once adopted, the Rules of the House shall remain in effect, unless waived or amended as provided in these rules.

#### 13.2—Waiver of Rules of the House

Any rule of the House, except a rule requiring unanimous consent, may be waived by a two-thirds vote; however, the waiver shall apply only to the matter under immediate consideration and shall not extend beyond adjournment of a legislative day.

#### 13.3—Amending Rules of the House

No rule of the House may be amended except by a report or resolution from the Rules & Calendar Council adopted by the House by a majority vote. A report or resolution of the Rules & Calendar Council proposing amendments to these rules is always in order; however, any amendment of such a report or resolution prior to its adoption requires a two-thirds vote.

#### 13.4—Parliamentary Authorities

In all cases not provided for by the Florida Constitution, the Rules of the House, or the Joint Rules of the Senate and House, the guiding, but nonbinding, authority shall be first the Rulings of the Speaker and then the latest edition of *Mason's Manual of Legislative Procedure*.

#### 13.5—Majority Action

Unless otherwise indicated by these rules, all action by the House or its councils, committees, or subcommittees shall be by majority vote of those members present and voting. When the body is equally divided, the question is defeated.

#### 13.6—Extraordinary Action

Unless otherwise required by these rules or the Florida Constitution, all extraordinary votes shall be by vote of those members present and voting.

**RULE THIRTEEN  
RULES**

**13.7—“Days” Defined**

Wherever used in these rules, a “legislative day” means a day when the House convenes and a quorum is present. All other references to a “day” mean a calendar day.

## **RULE FOURTEEN**

### **MISCELLANEOUS PROVISIONS**

#### **Part One—Public Records**

##### **14.1—Legislative Records**

There shall be available for public inspection, whether maintained in Tallahassee or in a district office, the papers and records developed and received in connection with official legislative business, except as provided in section 11.0431, Florida Statutes, or other provision of law. Any person who is denied access to a legislative record and who believes that he or she is wrongfully being denied such access may appeal the decision to deny access to the Speaker.

##### **14.2—Legislative Records; Maintenance, Control, Destruction, Disposal, and Disposition**

(a) Records that are required to be created by these rules or that are of vital, permanent, or archival value shall be maintained in a safe location that is easily accessible for convenient use. No such record need be maintained if the substance of the record is published or retained in another form or location. Whenever necessary, but no more often than annually or less often than biennially, records required to be maintained may be archived.

(b) Other records that are no longer needed for any purpose and that do not have sufficient administrative, legal, or fiscal significance to warrant their retention shall be disposed of systematically.

(c)(1) The council or committee administrative assistant for each existing council or committee shall ensure compliance with this rule for all records created or received by the council or committee or for a former council or committee whose jurisdiction has been assigned to the council or committee.

(2) The Speaker, the Speaker pro tempore, the Minority Leader, the Majority Leader, and the Sergeant at Arms shall ensure compliance with this rule for all records created or received by their respective offices and their predecessors in office.

(3) Each member shall ensure compliance with this rule for all records created or received by the member or the member's district office.

**RULE FOURTEEN  
MISCELLANEOUS PROVISIONS**

(4) The director of an ancillary House office shall ensure compliance with this rule for all records created or received by the director's office.

(5) The Clerk shall ensure compliance with this rule for all other records created or received by the House of Representatives.

(d) If a council, committee, or office is not continued in existence, the records of such council, committee, or office shall be forwarded to the council, committee, or office assuming the jurisdiction or responsibility of the former council, committee, or office, if any. Otherwise, such records shall be forwarded to the Clerk.

(e) The Clerk shall establish a schedule of reasonable and appropriate fees for copies of legislative records and documents.

**Part Two—Distribution of Documents; Display of Signs**

**14.3—Distribution of Documents**

Documents required by these rules to be printed or published may be produced and distributed on paper or in electronic form.

**14.4—Display of Signs, Placards, and the Like**

Signs, placards, or other objects of similar nature shall be permitted in the rooms, lobby, galleries, or Chamber of the House only upon approval of the Chair of the Rules & Calendar Council.

**Part Three—House Seal**

**14.5—House Seal**

(a) REQUIREMENT. There shall be an official seal of the House of Representatives. The seal shall be used only by or on behalf of a member or officer of the House in conjunction with his or her official duties or when specifically authorized in writing by the Chair of the Rules & Calendar Council.

(b) CONFIGURATION. The seal shall be a circle having in the center thereof a view of the sun's rays over a highland in the distance, a sabal palmetto palm tree, a steamboat on the water, and a Native American female scattering flowers in the foreground, encircled by the words "House of Representatives."

(c) USE. Unless a written exception is otherwise granted by the Chair of the Rules & Calendar Council:

(1) Material carrying the official seal shall be used only by a member, officer, or employee of the House or other persons employed or retained by the House.

(2) The use, printing, publication, or manufacture of the seal, or items or materials bearing the seal or a facsimile of the seal, shall be limited to official business of the House or official legislative business.

(d) CUSTODIAN. The Clerk shall be the custodian of the official seal.



## **RULE FIFTEEN**

### **ETHICS AND CONDUCT OF MEMBERS**

#### **15.1—Legislative Ethics and Official Conduct**

Legislative office is a trust to be performed with integrity in the public interest. A member is respectful of the confidence placed in the member by the other members and by the people. By personal example and by admonition to colleagues whose behavior may threaten the honor of the lawmaking body, the member shall watchfully guard the responsibility of office and the responsibilities and duties placed on the member by the House. To this end, each member shall be accountable to the House for violations of this rule or any provision of the House Code of Conduct contained in Rules 15.1-15.7.

#### **15.2—The Integrity of the House**

A member shall respect and comply with the law and shall perform at all times in a manner that promotes public confidence in the integrity and independence of the House and of the Legislature. Each member shall perform at all times in a manner that promotes a professional environment in the House, which shall be free from unlawful employment discrimination.

#### **15.3—Improper Influence; Solicitation or Acceptance of Campaign Contributions**

(a) A member may not accept anything that reasonably may be construed to improperly influence the member's official act, decision, or vote.

(b)(1) A member may not directly or indirectly solicit, cause to be solicited, or accept any campaign contribution during the 60-day regular legislative session or any extended or special session on the member's own behalf, on behalf of a political party, any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, a political committee, or a committee of continuous existence, or on behalf of a candidate for the House of Representatives; however, a member may contribute to the member's own campaign.

(2) Any fundraising activity otherwise prohibited during an extended or special session under paragraph (1) shall not be considered a violation of

**RULE FIFTEEN  
ETHICS AND CONDUCT OF MEMBERS**

this rule and may take place if it can be shown that the event was already scheduled prior to the issuance of the proclamation, resolution, or other communiqué extending the session or convening a special session.

(3) Any member who directly or indirectly solicits, causes to be solicited, or accepts any contributions to an organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, a political committee, or a committee of continuous existence must immediately disclose such activity to, and register with, the Rules & Calendar Council. Upon registration with the council, the member shall promptly create a public website that contains a mission statement and the names of representatives associated with the organization. All contributions received must be disclosed on the website within 10 business days after deposit, together with the name, address, and occupation of the donor. All expenditures made by the organization must be individually disclosed on the website within 10 business days after being made.

**15.4—Ethics; Conflicting Employment**

A member shall:

(a) Scrupulously comply with the requirements of all laws related to the ethics of public officers.

(b) Not allow personal employment to impair the member's independence of judgment in the exercise of official duties.

(c) Not directly or indirectly receive or agree to receive any compensation for any services rendered or to be rendered either by the member or any other person when such activity is in substantial conflict with the duties of a member of the House.

**15.5—Use of Official Position**

A member may not corruptly use or attempt to use the member's official position in a manner contrary to the trust or authority placed in the member, either by the public or by other members, for the purpose of securing a special privilege, benefit, or exemption for the member or for others.

**15.6—Use of Information Obtained by Reason of Official Position**

A member may engage in business and professional activity in competition with others but may not use or provide to others, for the member's personal gain or benefit or for the personal gain or benefit of any other person or business entity, any information that has been obtained by reason of the

member's official capacity as a member and that is unavailable to members of the public as a matter of law.

### **15.7—Representation of Another Before a State Agency**

A member may not personally represent another person or entity for compensation before any state agency other than a judicial tribunal. For the purposes of this rule, "state agency" means any entity of the legislative or executive branch of state government over which the Legislature exercises plenary budgetary and statutory control.

### **15.8—Advisory Opinions**

(a) A member, when in doubt about the applicability and interpretation of these rules with respect to legislative ethics and member conduct, may convey the facts of the situation to the House general counsel for an advisory opinion. The general counsel shall issue the opinion within 10 days after receiving the request. The advisory opinion may be relied upon by the member requesting the opinion. Upon request of any member, the committee designated by the Speaker to have responsibility for the ethical conduct of members may revise an advisory opinion rendered by the House general counsel through an advisory opinion issued to the member who requested the opinion.

(b) An advisory opinion rendered by the House general counsel or the committee shall be numbered, dated, and published. Advisory opinions from the House general counsel or the committee may not identify the member seeking the opinion unless such member so requests.

### **15.9—Felony Indictment or Information of a Member**

(a) If an indictment or information for a felony of any jurisdiction is filed against a member of the House, the member indicted or informed against may request the Speaker to excuse the member, without pay, from all privileges of membership of the House pending final adjudication.

(b) If the indictment or information is either *nolle prosequere* or dismissed, or if the member is found not guilty of the felonies charged, or lesser included felonies, then the member shall be paid all back pay and other benefits retroactive to the date the member was excused.

### **15.10—Felony Guilty Plea of a Member**

A member who enters a plea of guilty or *nolo contendere* (no contest) to a felony of any jurisdiction may, at the discretion of the Speaker, be

suspended immediately, without a hearing and without pay, from all privileges of membership of the House through the remainder of that member's term.

**15.11—Felony Conviction of a Member**

(a) A member convicted of a felony of any jurisdiction may, at the discretion of the Speaker, be suspended immediately, without a hearing and without pay, from all privileges of membership of the House pending appellate action or the end of the member's term, whichever occurs first.

(b) A member suspended under the provisions of this rule may, within 10 days after such suspension, file a written request for a hearing, setting forth specific reasons contesting the member's suspension. Upon receipt of a written request for a hearing, the Speaker shall appoint a select committee, which shall commence a hearing on the member's suspension within 30 days and issue a report to the House within 10 days after the conclusion of the hearing. The report of the select committee shall be final unless the member, within 10 days after the issuance of the report, requests in writing that the Speaker convene the full House to consider the report of the select committee. Upon receipt of a request for such consideration, the Speaker shall timely convene the House for such purpose.

(c) If the final appellate decision is to sustain the conviction, then the member's suspension shall continue to the end of the member's term. If the final appellate decision is to vacate the conviction and there is a rehearing, the member shall be subject to Rule 15.9. If the final appellate decision is to vacate the conviction and no felony charges remain against the member, the member shall be entitled to restitution of back pay and other benefits retroactive to the date of suspension.

## RULE SIXTEEN

### PROCEDURES FOR LEGAL PROCEEDINGS

#### Part One—Committees Conducting Legal Proceedings

#### 16.1—Procedures for Committees Conducting Legal Proceedings

##### (a) ISSUANCE OF SUBPOENA

(1) In order to carry out its duties, each standing or select committee, whenever required, may issue subpoena with the approval of the Speaker and other necessary process to compel the attendance of witnesses before such committee or the taking of a deposition pursuant to these rules. For purposes of this rule, the term “committee” includes any council. The Chair of the committee shall issue such process on behalf of the committee. The Chair or any other member of such committee may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before such committee for the purpose of testifying in any matter about which such committee may require evidence.

(2) Each standing or select committee, whenever required, may also compel by subpoena *duces tecum* with the approval of the Speaker the production of any books, letters, or other documentary evidence it may need to examine in reference to any matter before it. The Chair of the standing or select committee shall issue process on behalf of the standing or select committee.

##### (b) CONTEMPT PROCEEDINGS

(1) The House may punish, by fine or imprisonment, any person who is not a member and who is guilty of disorderly or contemptuous conduct in its presence or of a refusal to obey its lawful summons.

(2) A person shall be deemed in contempt if the person:

a. Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

b. Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed on behalf of such committee; or

c. Commits any other act or offense against such committee that, if committed against the Legislature or either house thereof, would constitute contempt.

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(3) A standing or select committee may, by majority vote of all of its members, apply to the House for contempt citation. The application shall be considered as though the alleged contempt had been committed in or against the House itself. If such committee is meeting during the interim, its application shall be made to the circuit court pursuant to subsection (f).

(4) A person guilty of contempt under this rule shall be fined not more than \$500 or imprisoned not more than 90 days or both, or shall be subject to such other punishment as the House may, in the exercise of its inherent powers, impose prior to and in lieu of the imposition of the aforementioned penalty.

(5) The sheriffs in the several counties shall make such service and execute all process or orders when required by standing or select committees. Sheriffs shall be paid as provided for in section 30.231, Florida Statutes.

(c) FALSE SWEARING. Whoever willfully affirms or swears falsely in regard to any material matter or thing before any standing or select committee is guilty of perjury in an official proceeding, which is a felony of the third degree and shall be punished as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

**(d) RIGHTS OF WITNESSES**

(1) All witnesses summoned before any standing or select committee shall receive reimbursement for travel expenses and per diem at the rates provided in section 112.061, Florida Statutes. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(2) Service of a subpoena requiring the attendance of a person at a meeting of a standing or select committee shall be made in the manner provided by law for the service of subpoenas in civil action at least 7 calendar days prior to the date of the meeting unless a shorter period of time is authorized by majority vote of all the members of such committee. If a shorter period of time is authorized, the persons subpoenaed shall be given reasonable notice of the meeting, consistent with the particular circumstances involved.

(3) Any person who is served with a subpoena to attend a meeting of any standing or select committee also shall be served with a general statement informing the person of the subject matter of such committee's investigation or inquiry and a notice that the person may be accompanied at the meeting by private counsel.

(4) Upon the request of any party and the approval of a majority of the standing or select committee, the Chair shall instruct all witnesses to leave the meeting room and retire to a designated place. The witness shall be instructed by the Chair not to discuss the testimony of the witness or the testimony of any other person with anyone until the meeting has been adjourned and the witness has been discharged by the Chair. The witness shall be further instructed that if any person discusses or attempts to discuss the matter under investigation with the witness after receiving such instructions, the witness shall bring such matter to the attention of such committee. No member of such committee or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with any witness to be called before such committee from the time that these instructions are given until the meeting has been adjourned and the witness has been discharged by the Chair. Any person violating this rule shall be in contempt of the Legislature.

(5) Any standing or select committee taking sworn testimony from witnesses as provided herein shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the Chair, questions of such committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee, and such other matters as the committee or its Chair may direct.

(6) A witness at a meeting, upon advance request and at the witness's own expense, shall be furnished a certified transcript of the witness's testimony at the meeting.

(e) **RIGHT OF OTHER PERSONS TO BE HEARD**

(1) Any person whose name is mentioned or who is otherwise identified during a meeting being conducted for the purpose of taking sworn testimony from witnesses of any standing or select committee and who, in the opinion of such committee, may be adversely affected thereby, may, upon the request of the person or upon the request of any member of such committee, appear personally before such committee and testify on the person's own behalf, or, with such committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the meeting. Any such witness, however, shall, prior to filing such statement, consent to answer questions from such committee regarding the contents of the statement.

(2) Upon the consent of a majority of the members present, a quorum having been established, any standing or select committee may permit any

other person to appear and testify at a meeting or submit a sworn written statement of facts or other documentary evidence for incorporation into the record. No request to appear, appearance, or submission shall limit in any way the committee's power of subpoena. Any such witness, however, shall, prior to filing such statement, consent to answer questions from any standing or select committee regarding the contents of the statement.

(f) **ENFORCEMENT OF SUBPOENA OUT OF SESSION.** If any witness fails to respond to the lawful subpoena of any standing or select committee at a time when the Legislature is not in session or, having responded, fails to answer all lawful inquiries or to turn over evidence that has been subpoenaed, such committee may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of the complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the possession of the witness that is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish such witness accordingly.

## **Part Two—Complaints Against Members and Officers of the House**

### **16.2—Complaints of Violations of the Standards of Conduct by Members and Officers of the House; Procedure**

(a) **FILING OF COMPLAINTS.** The Chair of the Rules & Calendar Council shall receive and initially review allegations of improper conduct that may reflect upon the House, violations of law, violations of the House Code of Conduct, and violations of the rules and regulations of the House relating to the conduct of individuals in the performance of their duties as members or officers of the House. Complaints of improper conduct against the Chair of the Rules & Calendar Council shall be reviewed and managed by the Speaker or, if designated by the Speaker, the Speaker pro tempore.

(1) **Review of Complaints.** The Chair of the Rules & Calendar Council shall review each complaint submitted to the council relating to the conduct of a member or officer of the House.

#### **(2) Complaints**

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and position or title of the member or officer of the House (respondent) alleged to be in violation of the House Code of Conduct or a law, rule, regulation, or other standard of conduct;

3. The nature of the alleged violation, based upon the personal knowledge of the complainant, including, if possible, the specific section of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated; and

4. The facts alleged to have given rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

(3) Processing Complaint and Preliminary Findings

a. Upon the filing of a complaint, the Chair shall, within 5 working days, notify the member or officer against whom the complaint has been filed and give such person a copy of the complaint. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(2).

c. If the Chair determines that a complaint does not comply with such rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such rule and with a copy of the rule. A complainant may resubmit a complaint, provided such complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (o).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a *de minimis* nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the House Code

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of Conduct, or a law, rule, regulation, or other standard of conduct, and that the complaint is not *de minimis* in nature, the Chair shall, within 20 days, transmit a copy of the complaint to the Speaker and, in writing, request the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(4) Withdrawal of Complaints. A complaint may be withdrawn at any time.

**(b) PROBABLE CAUSE PANEL OR SPECIAL MASTER**

(1) Creation. Whenever the Speaker receives a copy of a complaint and request made pursuant to subsection (a), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) Powers and Duties. The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violations of law, violations of the House Code of Conduct, and violations of rules and regulations of the House relating to the conduct of individuals in the performance of their duties as members or as officers of the House;

b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Rules & Calendar Council such additional rules or regulations as the Probable Cause Panel or the Special Master shall determine are necessary or desirable to ensure proper standards of conduct by members and officers of the House in the performance of their duties and the discharge of their responsibilities; and

d. Adopt rules of procedure as appropriate.

(3) Quorum. A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a

Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) Term. A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

(c) PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING

(1) Preliminary Investigation

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, Special Master, or staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, Special Master, or staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

(2) Probable Cause Finding

a. Findings

1. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

2. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

3. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the

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violation, if proven, is of a *de minimis* nature or is not sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master may recommend an appropriate lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's or Special Master's conclusions, as appropriate, shall be published in the House *Journal* and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Standards of Official Conduct pursuant to subsection (d).

4. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

b. Collateral Proceedings. If the complaint against a member or officer of the House has been the subject of action before any other body, the panel or Special Master may forward the complaint directly to a hearing pursuant to subsection (d).

(d) HEARING

(1) Select Committee on Standards of Official Conduct. Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House. Upon the receipt by the Speaker of a complaint and findings by the Commission on Ethics regarding a member of the House, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct to hold hearings to determine whether a violation has occurred and, if so, to make a recommendation for disciplinary action to the full House.

(2) Hearing. A hearing regarding a violation charged in a Statement of Alleged Violation or in a complaint and findings by the Commission on Ethics shall be held promptly to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as a legal advisor to the committee. The select committee may retain independent counsel pursuant to subsection (j) to serve as prosecutor in all proceedings conducted under these rules.

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

### (3) Procedures

#### a. Procedure and Evidence

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the *Florida Rules of Evidence* and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the *Florida*

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*Rules of Civil Procedure* but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the independent counsel, witnesses and other evidence offered by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or the respondent's counsel and then may be cross-examined by the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the appointed independent counsel to establish the facts alleged by clear and convincing evidence with respect to each count.

(e) COMMITTEE RECOMMENDED ORDER

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a Statement of Alleged Violation or in a complaint and findings, as the case may be. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall order the action dismissed and shall notify the respondent and the complainant of such action.

(3) Recommended Order

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the House *Journal*.

b. Penalty. With respect to any violation with which a member or officer of the House is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the member or officer be fined, censured, reprimanded, placed on probation, or expelled, as appropriate, or may recommend such other lesser penalty as may be appropriate.

(f) PROPOSED RECOMMENDED ORDER

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) Proposed Recommended Order. The proposed recommended order shall contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) Exceptions. The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's recommended order. Exceptions shall be filed within 20 days after service

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of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) Recommended Order. The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) CONSENT DECREE. At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the House *Journal*. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) CONFIDENTIALITY. Any material provided to the House in response to a complaint filed under this rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Rules & Calendar Council, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause Panel, or the receipt by the Speaker of a request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) REFEREE. The Select Committee on Standards of Official Conduct may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) INDEPENDENT COUNSEL. The Select Committee on Standards of Official Conduct is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) ATTORNEY'S FEES. When a Probable Cause Panel or a Special Master finds that probable cause does not exist or the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct or a law, rule, regulation, or other standard of conduct, the panel or Special Master or the select committee may recommend to the Speaker that the reasonable attorney's fees and costs incurred by the respondent be paid by the House. Payment of such reasonable fees and costs shall be subject to the approval of the Speaker.

(l) ELIGIBILITY; SPEAKER OF THE HOUSE. If any allegation under this rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this rule shall be transferred to the Speaker pro tempore.

(m) COLLATERAL ACTIONS

(1) Criminal Actions. Any criminal complaints relating to members shall be governed by these rules.

(2) Commissions or Quasi-Judicial Agencies with Concurrent Jurisdiction. If a complaint against a member or an officer of the House is filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Rules & Calendar Council, a Probable Cause Panel or a Special Master, and the Select Committee on Standards of Official Conduct shall have the discretion to refrain from processing a similar complaint until such commission or quasi-judicial agency has completed its review of the matter. If such a complaint is filed initially with the Chair of the Rules & Calendar Council and subsequently filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Rules & Calendar Council, the panel or Special Master, and the select committee shall have the discretion to suspend their proceedings until all such commissions and agencies have completed their review of the matter.

(n) *EX PARTE* COMMUNICATIONS

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not initiate or consider any *ex parte* communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special Master, or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this rule before the Special Master, panel, or select committee. This section

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shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to sub-subparagraph (c)(2)a.3. or to a consent decree authorized pursuant to subsection (g).

**(o) TIME LIMITATIONS**

(1) On or after the effective date of these rules, all sworn complaints alleging violation of the House Code of Conduct, including any violation of law or of the rules and regulations of the House, shall be filed with the Rules & Calendar Council within 2 years after the alleged violation.

(2) A violation of the House Code of Conduct is committed when every element of the rule has occurred, and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the member or officer is filed with the Rules & Calendar Council. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Rules & Calendar Council. The complaint and all material related thereto shall remain confidential.

**16.3—Penalties for Violations**

Separately from any prosecutions or penalties otherwise provided by law, any member determined to have violated the foregoing requirements of these rules shall be fined, censured, reprimanded, placed on probation, or expelled, or have such other lesser penalty imposed as may be appropriate. Such determination and disciplinary action shall be taken by a two-thirds vote of the House, except that expulsions shall require two-thirds vote of the membership, upon recommendation of the select committee so designated under Rule 16.2.

**Part Three—Complaints Against Lobbyists**

**16.4—Lobbyists**

**(a) OBLIGATIONS OF A LOBBYIST**

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view that the lobbyist openly declares. A lobbyist shall not offer or propose anything that may reasonably be construed to improperly influence the official act, decision, or vote of a

legislator, nor shall a lobbyist attempt to improperly influence the selection of officers or employees of the House. A lobbyist, by personal example and admonition to colleagues, shall maintain the honor of the legislative process by the integrity of the lobbyist's relationship with legislators as well as with the principals whom the lobbyist represents.

(2) A lobbyist shall not knowingly and willfully falsify, conceal, or cover up, by any trick, scheme, or device, a material fact or make any false, fictitious, or fraudulent statement or representation, or make or use any writing or document knowing the same to contain any false, fictitious, or fraudulent statements or entry.

(3) During a regular session, or any extended or special session, a lobbyist may not contribute to a member's campaign or to any organization that is registered or is required to be registered with the Rules & Calendar Council under Rule 15.3.

(4) No registered lobbyist shall be permitted upon the floor of the House while it is in session.

(b) **ADVISORY OPINIONS; COMPILATION THEREOF.** A lobbyist, when in doubt about the applicability and interpretation of subsection (a) in a particular context, shall submit in writing the facts for an advisory opinion to the Speaker, who shall either refer the issue to the House general counsel for an advisory opinion or refer the issue to a committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists and may appear in person before such committee. The House general counsel or this committee shall render advisory opinions to any lobbyist who seeks advice as to whether the facts in a particular case would constitute a violation of such rule by a lobbyist. Such opinion, until amended or revoked, shall be binding in any subsequent complaint concerning the lobbyist who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for advisory opinion. Upon request of the lobbyist or any member, the committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists may revise any advisory opinion issued by the House general counsel or may revise any advisory opinion issued by the general counsel of the Office of Legislative Services under Joint Rule 1.7. The House general counsel or committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions. All advisory opinions of the House general counsel or this committee shall be numbered, dated, and published in an annual publication of the House. The Clerk shall keep a compilation of all advisory opinions of the House general counsel or committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists.

## **16.5—Complaints of Violations Relating to Lobbyists; Procedure**

(a) **FILING OF COMPLAINTS.** The Chair of the Rules & Calendar Council shall receive and initially review allegations of violations of the Rules of the House, Joint Rule 1, or violations of a law, rule, or other standard of conduct by a lobbyist.

(1) **Review of Complaints.** The Chair of the Rules & Calendar Council shall review each complaint submitted to the council relating to the conduct of a lobbyist.

### **(2) Complaints**

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and address of the lobbyist (respondent) alleged to be in violation of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct;

3. The nature of the alleged violation, based upon the personal knowledge of the complainant, including, if possible, the specific section of the Rules of the House, Joint Rule 1, or law, rule, or other standard of conduct alleged to have been violated; and

4. The facts alleged to give rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

### **(3) Processing Complaint and Preliminary Findings**

a. Upon the filing of a complaint, the Chair shall, within 5 working days, notify the lobbyist against whom the complaint has been filed and give such person a copy of the complaint. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(2).

c. If the Chair determines that a complaint does not comply with such rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such rule and with a copy of the rule. A complainant may resubmit a complaint, provided such

complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (m).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a *de minimis* nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, and that the complaint is not *de minimis* in nature, the Chair shall transmit a copy of the complaint to the Speaker and, in writing, request the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(4) Withdrawal of Complaints. A complaint may be withdrawn at any time.

#### (b) PROBABLE CAUSE PANEL OR SPECIAL MASTER

(1) Creation. Whenever the Speaker receives a copy of a complaint and request made pursuant to subsection (a), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) Powers and Duties. The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violation of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct;

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b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Rules & Calendar Council such additional rules or regulations as the Probable Cause Panel or the Special Master shall determine are necessary or desirable to ensure proper standards of conduct by lobbyists; and

d. Adopt rules of procedure as appropriate to its needs.

(3) Quorum. A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) Term. A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

**(c) PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING**

**(1) Preliminary Investigation**

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, the Special Master, or staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, Special Master, or the staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

(2) Probable Cause Finding

a. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

b. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

c. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is of a *de minimis* nature or is not sufficiently serious to justify the imposition of a penalty pursuant to Rule 16.6, the panel or Special Master may recommend an appropriate lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's or Special Master's conclusions, as appropriate, shall be published in the House *Journal* and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Lobbyist Conduct pursuant to subsection (d).

d. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify imposition of a penalty pursuant to Rule 16.6, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the Rules of the House, Joint Rule 1, or law, rule, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

(d) HEARING

(1) Select Committee on Lobbyist Conduct. Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee on Lobbyist Conduct (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House.

(2) Hearing. A hearing regarding a violation charged in a Statement of Alleged Violation shall be held promptly to receive evidence upon which to

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base findings of fact and recommendations, if any, to the House respecting such violation. The hearing before the select committee shall be subject to Rule 7.14.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as prosecutor in all proceedings conducted under these rules, unless the select committee retains independent counsel pursuant to subsection (j).

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

**(3) Procedures**

**a. Procedure and Evidence**

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the *Florida Rules of Evidence* and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the *Florida Rules of Civil Procedure*, but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the select committee's staff or the independent counsel, witnesses and other evidence offered by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the select committee's staff or the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or the respondent's counsel, and then may be cross-examined by the select committee's staff or the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the select committee's staff or the appointed independent counsel to establish

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the facts alleged by clear and convincing evidence with respect to each count.

**(e) COMMITTEE RECOMMENDED ORDER**

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a Statement of Alleged Violation. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, it shall order the action dismissed and shall notify the respondent and the complainant of such action.

**(3) Recommended Order**

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the House *Journal*.

b. Penalty. With respect to any violation with which a lobbyist is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the lobbyist be censured, reprimanded, or prohibited from lobbying for all or any part of the legislative biennium during which the violation occurred, or such other penalty as may be appropriate.

**(f) PROPOSED RECOMMENDED ORDER**

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) Proposed Recommended Order. The proposed recommended order shall contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) Exceptions. The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's

recommended order. Exceptions shall be filed within 20 days after service of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) Recommended Order. The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) CONSENT DECREE. At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the House *Journal*. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) CONFIDENTIALITY. Any material provided to the House in response to a complaint filed under this rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Rules & Calendar Council, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause Panel, or the receipt by the Speaker of a request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) REFEREE. The Select Committee on Lobbyist Conduct may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) INDEPENDENT COUNSEL. The Select Committee on Lobbyist Conduct is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) ELIGIBILITY; SPEAKER OF THE HOUSE. If any allegation under this rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this rule shall be transferred to the Speaker pro tempore.

**RULE SIXTEEN  
PROCEDURES FOR LEGAL PROCEEDINGS**

**(l) EX PARTE COMMUNICATIONS**

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee on Lobbyist Conduct shall not initiate or consider any *ex parte* communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special Master or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee on Lobbyist Conduct shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this rule before the Special Master, panel, or select committee. This section shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to subparagraph (c)(2)c. or to a consent decree authorized pursuant to subsection (g).

**(m) TIME LIMITATIONS**

(1) On or after the effective date of these rules, all sworn complaints alleging violation of the Rules of the House, Joint Rule 1, or any law, rule, or other standard of conduct by a lobbyist shall be filed with the Rules & Calendar Council within 2 years after the alleged violation.

(2) A violation of the Rules of the House is committed when every element of the rule has occurred, and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the lobbyist is filed with the Rules & Calendar Council. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Rules & Calendar Council. The complaint and all material related thereto shall remain confidential.

## **16.6—Penalties for Violations**

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the foregoing requirements of these rules, any provision in Joint Rule 1 adopted by the House and the Senate, or any law, rule, or other standard of conduct by a lobbyist may be reprimanded, censured, prohibited from lobbying for all or any part of the legislative biennium during which the violation occurred, or have such other penalty imposed as may be appropriate. Such determination shall be made by a majority of the House, upon recommendation of the select committee so designated under Rule 16.5.



# JOINT RULES

## Joint Rule One

### Lobbyist Registration and Reporting

#### **1.1—Those Required to Register; Exemptions; Committee Appearance Records**

(1) All lobbyists before the Florida Legislature must register with the Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services, referred to in Joint Rule One as the Lobbyist Registration Office. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) “Designated lobbyist” means the lobbyist who is appointed, by a principal represented by two or more lobbyists, to file expenditure reports that include lobbying expenditures made directly by the principal.

(b) “Legislative action” means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) “Lobby” or “lobbying” means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a “lobbyist” unless the employee is principally employed for governmental affairs. “Principally employed for governmental affairs” means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer’s various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any

**Joint Rule One**  
**Lobbyist Registration and Reporting**

community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) “Payment” or “salary” means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) “Principal” means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms “lobby” and “lobbying” do not include any of the following:

(a) Response to an inquiry for information made by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services that arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term “lobbyist” does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge’s official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer’s official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

### **1.2—Method of Registration**

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person's full legal name, driver's license number, business address, and phone number, the name and business address of each principal that person represents, the areas of that person's legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Lobbyist Registration Office in writing within 15 days on forms furnished by the Lobbyist Registration Office.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The principal may change its designated lobbyist at any time in writing on forms furnished by the Lobbyist Registration Office. Upon termination of the designated lobbyist's representation, the principal shall notify the Lobbyist Registration Office within 15 days, on forms furnished by the office, of the appointment of a new designated lobbyist.

(4) A lobbyist shall promptly send a notice to the Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office, cancelling the registration for a principal upon termination of the lobbyist's representation

of that principal. A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. Notwithstanding this requirement, the Lobbyist Registration Office may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the Lobbyist Registration Office that the lobbyist is no longer authorized to represent that principal. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(5) The Lobbyist Registration Office shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The Lobbyist Registration Office shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to the reporting of and the prohibited receipt of gifts and honoraria.

### **1.3—Registration Costs; Exemptions**

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Lobbyist Registration Office. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Fish and Wildlife Conservation Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.

(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the President of the Senate and the Speaker of the House of Representatives. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Lobbyist Registration Office. The fees collected by the Lobbyist Registration Office under this joint policy shall be deposited in the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering this joint policy.

#### **1.4—Periodic Reports Required**

(1) **REPORTING DATES.**—Each person who registers pursuant to Joint Senate and House Rule 1.2 must submit to the Lobbyist Registration Office, on forms provided by the Lobbyist Registration Office and for each reporting period required by this rule, a signed and certified statement listing all lobbying expenditures during the reporting period and the sources of funds for those expenditures as required in this rule. Reporting statements shall be filed no later than 45 days after the end of the reporting period. Only two reports are required each calendar year. The first report shall disclose expenditures made from January 1 through June 30. The second report shall disclose expenditures for July 1 through December 31. It is the intent of this rule that each reporting period be separate from the other reporting period and that each expenditure be reported just once. In addition, any reporting statement may be filed by electronic means, when feasible.

(2) **TIMELINESS OF REPORTS.**—Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

#### **(3) LOBBYIST'S EXPENDITURE REPORT.—**

(a) The Lobbyist's Expenditure Report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the reporting period shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify

the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. Forms shall be provided by the Lobbyist Registration Office.

(b) A lobbyist shall file a Lobbyist's Expenditure Report for each principal represented.

(c) When a principal has two or more lobbyists, the designated lobbyist will be responsible for filing a report that discloses the expenditures made directly by the principal and the expenditures of the designated lobbyist on behalf of the principal. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal.

(d) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

(e) The principal is responsible for the accuracy of the figures submitted to the lobbyist for reporting, and the lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. The principal shall sign the expenditure report submitted by the principal's sole or designated lobbyist.

(4) EXPENDITURES.—

(a) Definitions.—

1. "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Expenditures shall be accounted for and reported on an accrual accounting basis.

2. "Accrual accounting basis" means the method of accounting that recognizes expenses during the period in which they are incurred regardless of when they are actually paid.

(b) Goodwill expenditures.—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature, unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband,

wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(c) Expenditure categories.—Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the “Other” category. The categories of expenditures used in this rule are as follows:

1.a. “Communications” means dissemination of information, including, but not limited to, by means of the following:

I. Audio-visual materials; and

II. Signs, placards, banners, buttons, promotional materials, and other display materials;

together with any associated production services.

b. This category does not include media advertising, publications, or research.

2. “Entertainment” means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

3. “Food and Beverages” means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

4. “Lodging” means sleeping or living accommodations for an individual for one or more nights.

5. “Media Advertising” means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copyrighting services.

6. “Other” means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

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Lobbyist Registration and Reporting**

7. “Publications” means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

8. “Research” means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information services, periodicals, and consultants or consultant services to gather data or statistics.

9. “Special Events” means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

10. “Travel” means transporting an individual from one place to another, regardless of the means used.

(d) Items that are not expenditures.—The term “expenditure” does not include:

1. Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

2. A lobbyist’s or principal’s salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees’ salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

3. If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(e) Valuation of expenditures.—

1. In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest \$5. A record is not required to be maintained for any amount that rounds to zero.

2. The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

3. When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist's principals or may be attributed to one principal.

4. When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

5. The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regularly required as conditions precedent for eligibility to make other expenditures.

6. A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of 29 cents per mile, and

the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

7. A person providing lodging in a private residence shall be considered to be making an expenditure of \$29 per night.

8. Expenditures made for more than one person may be attributed, on a *pro rata* basis, among all of the persons for whom the expenditure is made.

(5) AGGREGATION OF EXPENDITURE FIGURES.—For each reporting period, the Lobbyist Registration Office shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Following the last report for each calendar year, the Lobbyist Registration Office shall provide a total of expenditures reported as spent by and on behalf of each principal for that calendar year.

### **1.5—Penalties for Late Filing**

(1) Upon determining that a report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

(2) Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

(a) When a report is actually received by the lobbyist registration and reporting office;

(b) When the report is postmarked;

(c) When the certificate of mailing is dated; or

(d) When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the Lobbyist Registration Office. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive this one-time fine waiver, all reports for which the lobbyist is

responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

(5) A lobbyist, a lobbyist's legal representative, or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived.

(6) The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

### **1.6—Appeal of Fines; Hearings; Unusual Circumstances**

(1) A lobbyist wishing to appeal or dispute a fine imposed in accordance with Joint Senate and House Rule 1.5 shall file with the Lobbyist Registration Office a notice of appeal within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. A request for a hearing on the matter before the General Counsel of the Office of Legislative Services must be made within the same 30-day period. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Failure to timely file a notice of appeal as described in this subsection shall constitute a waiver of the right to appeal or to dispute a fine.

(2) The President of the Senate and the Speaker of the House of Representatives may waive the fine in whole or in part for good cause shown based on the unusual circumstances presented by the lobbyist.

(3) The term "unusual circumstances" for the purposes of this rule means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to meet the filing requirements.

(4) The Department of Banking and Finance shall collect any fine that is not timely paid.

### **1.7—Questions Regarding Registration**

(1) A person may request in writing an informal opinion from the general counsel of the Office of Legislative Services as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

### **1.8—Open Records**

All of the lobbyist registration and expenditure reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

### **1.9—Records Retention and Inspection**

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the

applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.



## Joint Rule Two

### General Appropriations Review Period

#### 2.1—General Appropriations Bill; Review Period

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage of the bill in the form that will be presented to the Governor.

(2) If a bill is returned to the house in which the bill originated and the originating house does not concur in all the amendments or adds additional amendments, no further action shall be taken on the bill by the nonoriginating house, and a conference committee shall be established by operation of this rule to consider the bill.

(3) If a bill is referred to a conference committee by operation of this rule, a 72-hour public review period shall be provided prior to a vote being taken on the conference committee report by either house.

(4) A copy of the bill, a copy of the bill with amendments adopted by the nonoriginating house, or the conference committee report shall be furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet. Copies for the Governor, Chief Justice, and members of the Cabinet shall be furnished to the official's office in the Capitol or Supreme Court Building. A member's copy shall be furnished to the member's desk in the appropriate chamber. The Secretary of the Senate shall be responsible for furnishing copies under this rule for Senate bills, House bills as amended by the Senate, and conference committee reports on Senate bills. The Clerk of the House shall be responsible for furnishing copies under this rule for House bills, Senate bills as amended by the House, and conference committee reports on House bills.

(5) The 72-hour public review period shall begin to run upon completion of the furnishing of copies required to be provided herein. The Speaker of the House and the President of the Senate, as appropriate, shall be informed of the completion time and such time shall be announced on the floor prior to vote on final passage in each house and shall be entered in the journal of each house. Saturdays, Sundays, and holidays shall be included in the computation under this rule.

## **2.2—General Appropriations Bill; Definition**

For the purposes of Joint Rule 2, the term “general appropriations bill” means a bill which provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A bill which contains appropriations which are incidental and necessary solely to implement a substantive law is not included within this term.

# Joint Rule Three

## Legislative Support Services

### 3.1—Organizational Structure

The Legislature shall be supported by the Office of Legislative Services, the Office of Legislative Information Technology Services, and the Office of Economic and Demographic Research. These offices shall provide support services that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively provided jointly to both houses and other units of the Legislature. Each office shall be directed by a coordinator selected by the President of the Senate and the Speaker of the House of Representatives.

(1) The Office of Legislative Services shall provide legislative support services other than those prescribed in subsections (2) and (3). The Division of Statutory Revision and the Division of Legislative Information shall be two of the divisions within the Office of Legislative Services.

(2) The Office of Legislative Information Technology Services shall provide support services to assist the Legislature in achieving its objectives through the application of cost-effective information technology.

(3) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenues, and appropriations.

### 3.2—Policies

The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature.



# Joint Rule Four

## Joint Legislative Auditing Committee

### 4.1—Responsibilities

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall submit to the President of the Senate and the Speaker of the House of Representatives, for approval, an estimate of the financial needs of the committee, the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Public Counsel.

(4) The committee and the units it oversees, including the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Public Counsel, shall submit their budget requests and operating budgets to the President of the Senate and the Speaker of the House of Representatives for prior written approval by the presiding officers acting together.

(5) The committee may receive requests for audits and reviews from legislators. Staff of the committee shall review each request and make a recommendation to the committee concerning its disposition. The manner of disposition recommended may be:

(a) Assignment to the Auditor General for inclusion in a regularly scheduled agency audit;

(b) Assignment to the Auditor General for special audit or review;

(c) Assignment to the Office of Program Policy Analysis and Government Accountability for inclusion in a regularly scheduled performance audit;

(d) Assignment to the Office of Program Policy Analysis and Government Accountability for special audit or review;

- (e) Assignment to committee staff; or
- (f) Rejection as being an unnecessary or inappropriate application of legislative resources.

(6) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(7) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

## Joint Rule Five

### Auditor General

#### 5.1—Rulemaking Authority

The Auditor General shall make and enforce reasonable rules and regulations necessary to facilitate audits that he or she is authorized to perform.

#### 5.2—Budget and Accounting

(1) The Auditor General shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval a proposed budget for the ensuing fiscal year.

(2) Within the limitations of the approved operating budget, the salaries and expenses of the Auditor General and the staff of the Auditor General shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The Auditor General shall approve all bills for salaries and expenses for his or her staff before the same shall be paid.

#### 5.3—Audit Report Distribution

(1) A copy of each audit report shall be submitted to the Governor, to the Comptroller, and to the officer or person in charge of the state agency or political subdivision audited. One copy shall be filed as a permanent public record in the office of the Auditor General. In the case of county reports, one copy of the report of each county office, school district, or other district audited shall be submitted to the board of county commissioners of the county in which the audit was made and shall be filed in the office of the clerk of the circuit court of that county as a public record. When an audit is made of the records of the district school board, a copy of the audit report shall also be filed with the district school board, and thereupon such report shall become a part of the public records of such board.

(2) A copy of each audit report shall be made available to each member of the Legislative Auditing Committee.

(3) The Auditor General shall transmit a copy of each audit report to the appropriate substantive and fiscal committees of the Senate and House of Representatives.

(4) Other copies may be furnished to other persons who, in the opinion of the Auditor General, are directly interested in the audit or who have a duty to perform in connection therewith.

(5) The Auditor General shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by audit reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

## Joint Rule Six

### Office of Program Policy Analysis and Government Accountability

#### 6.1—Responsibilities of the Director

(1) The director may adopt and enforce reasonable rules necessary to facilitate the studies, reviews, and reports that the office is authorized to perform.

(2) The director shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval the annual projected work plan of the office in conjunction with a proposed operating budget for the ensuing fiscal year.

(3) Within the monetary limitations of the approved operating budget, the salaries and expenses of the director and the staff of the Office of Program Policy Analysis and Government Accountability shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The director shall approve all bills for salaries and expenses before the same shall be paid.

(4) Within the monetary limitations of the approved operating budget, the director shall make all spending decisions, including entering into contracts on behalf of the Office of Program Policy Analysis and Government Accountability.

(5) The director shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by office reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The director may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.



# Joint Rule Seven

## Joint Legislative Budget Commission

### 7.1—General Responsibilities

(1) The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions and proposed actions taken or to be taken by the executive and judicial branches and shall approve or disapprove such actions.

(2) Through the chairman, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.

(3) To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.

(4) The commission shall consult with the Comptroller and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.

(5) The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.

(6) The commission shall develop policies and procedures necessary to carry out its assigned responsibilities.

(7) The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.

### 7.2—Zero-based Budgeting

(1) The commission shall develop a schedule and apply zero-based budgeting principles in reviewing the budget of each state agency at least once every 8 years.

(2) By July 1 of each year, the commission shall issue instructions to the agencies whose budgets are to be reviewed prior to the next legislative session.

(3) The commission shall provide these reviews to the President of the Senate and the Speaker of the House of Representatives by December 31 of the year in which they are completed.

(4) By February 1, 2001, the commission shall provide to the President of the Senate and the Speaker of the House of Representatives a schedule for completing zero-based budgeting reviews of all state agencies prior to December 31, 2008.

### **7.3—Organizational Structure**

(1) The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. The appointees shall include the chairman of the Fiscal Responsibility Council in the House of Representatives and the chairman of the Committee on Appropriations in the Senate.

(2) The members of the commission shall elect a chairman and a vice chairman. In even-numbered years, a Senator shall be chairman and a House member vice chairman. In odd-numbered years, a House member shall be chairman and a Senator vice chairman.

(3) The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or the chairman. Meetings may be conducted through teleconferences or other electronic means.

(4) A quorum shall consist of a majority of the commission members of each house plus one additional member of the commission.

(5) Action by the commission shall require a majority vote of the members present of each house.

(6) The commission shall be jointly staffed by the appropriations committees of both houses. During even-numbered years, the Senate shall provide the lead staff. During odd-numbered years, the House of Representatives shall provide the lead staff.

### **7.4—Notice of Commission Meetings**

Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chairman is a Senator or with the Clerk of the House of Representatives when the chairman is a Representative. The Secretary or the Clerk shall distribute notice to the

Legislature and the public, consistent with the rules and policies of their respective houses.



# Joint Rule Eight

## Continuing Existence of Joint Rules

### 8.1—Continuing Existence of Joint Rules

All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.



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# COMMON MOTIONS

## AMENDMENTS

### Late-filed

Mr. [Madam] Speaker, I move the rules be waived to consider a late-filed amendment to H \_\_\_\_ (S\_\_\_\_ ).  
[*Waiver of Rule 12.2; two-thirds vote*]

### Concur in Senate Amendment

Mr. [Madam] Speaker, I move that the House concur in Senate Amendment(s) #(s) to H \_\_\_\_.  
[*Rule 12.6(a)(2); majority vote*]

### Refuse to Concur in Senate Amendment

Mr. [Madam] Speaker, I move that the House refuse to concur in Senate Amendment(s) #(s) to H \_\_\_\_ and request the Senate to recede.  
[*Rule 12.6(a)(3); majority vote*]

### Refuse to Concur in Senate Amendment and Request Conference Committee

Mr. [Madam] Speaker, I move that the House refuse to concur in Senate Amendment(s) #(s) to H \_\_\_\_ and again request the Senate to recede, or failing to do so, request the Senate to appoint a conference committee to confer with a like committee on the part of the House. [*majority vote*]

### Recede from House Amendment to Senate Bill

Mr. [Madam] Speaker, I move that the House recede from House Amendment(s) #(s) to S \_\_\_\_.  
[*Rule 12.6(b)(1); majority vote*]

### **Previous Question on an Amendment**

Mr. [Madam] Speaker, I move the previous question on the amendment. [*Rule 11.8; majority vote*]

*(If adopted, the sponsor of the amendment and an opponent are each allowed 3 minutes to debate the amendment.)*

## **BILLS**

### **Move to Third Reading and Passage**

Mr. [Madam] Speaker, I move the rules be waived and H \_\_\_\_ (S \_\_\_\_ ) be read a third time by title. [*Waiver of Rule 10.7; two-thirds vote*]

### **Substitute Senate Companion on Same Reading**

Mr. [Madam] Speaker, I move that S \_\_\_\_, a companion measure, be substituted for H \_\_\_\_ . [*Rule 5.14; majority vote*]

### **Substitute Senate Companion on Different Reading**

Mr. [Madam] Speaker, I move the rules be waived and S \_\_\_\_ be substituted for H \_\_\_\_ . [*Rule 5.14; two-thirds vote*]

### **Immediately Certify Bill to Senate**

Mr. [Madam] Speaker, I move the rules be waived and H \_\_\_\_ (S \_\_\_\_ ) be immediately certified to the Senate. [*Rule 11.7(i); two-thirds vote*]

### **Previous Question on a Bill on Second Reading**

***(To conclude debate and action on Second Reading)***

Mr. [Madam] Speaker, I move the previous question on the bill. [*Rule 11.8; majority vote*]

*(If an amendment is pending at the time the previous question on the bill is agreed to, the sponsor of the pending amendment and an opponent are each allowed 3 minutes for debate on the amendment. There is no debate on the bill.)*

### **Previous Question on a Bill on Third Reading**

***(To conclude debate and bring bill to a vote)***

Mr. [Madam] Speaker, I move the previous question on the bill. [*Rule 11.8; majority vote*]

*(If an amendment is pending at the time the previous question on the bill is agreed to, the necessary votes are taken to conclude action on the amendment without debate. The sponsor of the bill and an opponent are each allowed 3 minutes for debate on the bill before the vote on passage.)*

## CONFERENCE COMMITTEES

### **Accede to Senate Request for Conference Committee**

Mr. [Madam] Speaker, I move that the House accede to the Senate's request for a Conference Committee on H \_\_\_\_ (S \_\_\_\_). [**majority vote**]

### **Consideration of Conference Committee Report**

Mr. [Madam] Speaker, I move that the House take up the report of the Conference Committee on H \_\_\_\_ (S \_\_\_\_). [*Rule 7.26(a)(1)*; **majority vote**]

*(Vote on motion. If adopted, the report is read by the Reading Clerk.)*

Mr. [Madam] Speaker, I move that the House accept and adopt as an entirety the report of the Conference Committee on H \_\_\_\_ (S \_\_\_\_). [*Rule 7.26(a)(2)*; **majority vote**]

*(Vote on motion. If adopted, the question recurs on the passage of the bill as amended by the Conference Committee report.)*

## GENERAL

### **Limit Debate to 10 Minutes Per Side**

Mr. [Madam] Speaker, I move debate be limited.  
[*Rule 11.9; majority vote*]

### **Limit Debate to Less Than 10 Minutes Per Side**

Mr. [Madam] Speaker, I move the rules be waived and debate be limited to \_\_\_\_\_ minutes per side.  
[*Waiver of Rule 11.9; two-thirds vote*]

### **Lay on the Table (Bill/Amendment/Motion)**

Mr. [Madam] Speaker, I move the  
(Bill/Amendment/Motion) be laid on the table.  
[*Rule 11.6; majority vote*]

### **Change Order of Business**

Mr. [Madam] Speaker, I move the rules be waived and the House proceed to the Order of Business of

\_\_\_\_\_.  
[*Waiver of Rule 10.2(d); two-thirds vote, if motion made by any member at any time during session or by the Chair or Vice Chair of the Rules & Calendar Council during the first 45 days of session.*]

Mr. [Madam] Speaker, I move the House proceed to the Order of Business of \_\_\_\_\_.  
[*Rule 10.2(d); majority vote, if motion made by the Chair or Vice Chair of the Rules & Calendar Council after the 45<sup>th</sup> day of session.*]



**CONSTITUTION**  
**OF THE**  
**STATE OF FLORIDA**

**AS REVISED IN 1968 AND SUBSEQUENTLY AMENDED**

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*The Constitution of the State of Florida as revised in 1968 consisted of certain revised articles as proposed by three joint resolutions which were adopted during the special session of June 24-July 3, 1968, and ratified by the electorate on November 5, 1968, together with one article carried forward from the Constitution of 1885, as amended. The articles proposed in House Joint Resolution 1-2X constituted the entire revised constitution with the exception of Articles V, VI, and VIII. Senate Joint Resolution 4-2X proposed Article VI, relating to suffrage and elections. Senate Joint Resolution 5-2X proposed a new Article VIII, relating to local government. Article V, relating to the judiciary, was carried forward from the Constitution of 1885, as amended.*

Sections composing the 1968 revision have no history notes. Subsequent changes are indicated by notes appended to the affected sections. The indexes appearing at the beginning of each article, notes appearing at the end of various sections, and section and subsection headings are added editorially and are not to be considered as part of the constitution.

PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

ARTICLE I

DECLARATION OF RIGHTS

Sec.

- 1. Political power.
- 2. Basic rights.
- 3. Religious freedom.
- 4. Freedom of speech and press.
- 5. Right to assemble.
- 6. Right to work.
- 7. Military power.
- 8. Right to bear arms.
- 9. Due process.
- 10. Prohibited laws.
- 11. Imprisonment for debt.
- 12. Searches and seizures.
- 13. Habeas corpus.
- 14. Pretrial release and detention.
- 15. Prosecution for crime; offenses committed by children.
- 16. Rights of accused and of victims.
- 17. Excessive punishments.
- 18. Administrative penalties.
- 19. Costs.
- 20. Treason.
- 21. Access to courts.
- 22. Trial by jury.
- 23. Right of privacy.
- 24. Access to public records and meetings.
- 25. Taxpayers' Bill of Rights.
- 26. Claimant's right to fair compensation.

**SECTION 1. Political power.**—All political power is inherent in the people. The enunciation herein of certain rights shall not be construed to deny or impair others retained by the people.

**SECTION 2. Basic rights.**—All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposi-

tion and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

**History.**—Am. S.J.R. 917, 1974; adopted 1974; Am. proposed by Constitution Revision Commission, Revision No. 9, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 3. Religious freedom.**—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

**SECTION 4. Freedom of speech and press.**—Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 5. Right to assemble.**—The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances.

**SECTION 6. Right to work.**—The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or

abridged. Public employees shall not have the right to strike.

**SECTION 7. Military power.**—The military power shall be subordinate to the civil.

**SECTION 8. Right to bear arms.**—

(a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. For the purposes of this section, “purchase” means the transfer of money or other valuable consideration to the retailer, and “handgun” means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.

(c) The legislature shall enact legislation implementing subsection (b) of this section, effective no later than December 31, 1991, which shall provide that anyone violating the provisions of subsection (b) shall be guilty of a felony.

(d) This restriction shall not apply to a trade in of another handgun.

**History.**—Am. C.S. for S.J.R. 43, 1989; adopted 1990.

**SECTION 9. Due process.**—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 10. Prohibited laws.**—No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

**SECTION 11. Imprisonment for debt.**—No person shall be imprisoned for debt, except in cases of fraud.

**SECTION 12. Searches and seizures.**—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched,

the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court. Articles or information obtained in violation of this right shall not be admissible in evidence if such articles or information would be inadmissible under decisions of the United States Supreme Court construing the 4th Amendment to the United States Constitution.

**History.**—Am. H.J.R. 31-H, 1982; adopted 1982.

**SECTION 13. Habeas corpus.**—The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety.

**SECTION 14. Pretrial release and detention.**—Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.

**History.**—Am. H.J.R. 43-H, 1982; adopted 1982.

**SECTION 15. Prosecution for crime; offenses committed by children.**—

(a) No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except persons on active duty in the militia when tried by courts martial.

(b) When authorized by law, a child as therein defined may be charged with a violation of law as an act of delinquency instead of crime and tried without a jury or other requirements applicable to criminal cases. Any child so charged shall, upon demand made as provided by law before a trial in a juvenile proceeding, be tried in an appropriate court as an adult. A child found delinquent shall be disciplined as provided by law.

**SECTION 16. Rights of accused and of victims.**—

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature

and cause of the accusation, and shall be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person, by counsel or both, and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in that area shall be sufficient; but before pleading the accused may elect in which of those counties the trial will take place. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

(b) Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

**History.**—Am. S.J.R. 135, 1987; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 17. Excessive punishments.**—

Excessive fines, cruel and unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.

**History.**—Am. H.J.R. 3505, 1998; adopted 1998; Am. H.J.R. 951, 2001; adopted 2002.

**SECTION 18. Administrative penalties.**—

No administrative agency, except the Department of Military Affairs in an appropriately convened court-martial action as provided by law, shall impose a sentence of imprisonment,

nor shall it impose any other penalty except as provided by law.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 19. Costs.**—No person charged with crime shall be compelled to pay costs before a judgment of conviction has become final.

**SECTION 20. Treason.**—Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort, and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act or on confession in open court.

**SECTION 21. Access to courts.**—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

**SECTION 22. Trial by jury.**—The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.

**SECTION 23. Right of privacy.**—Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

**History.**—Added, C.S. for H.J.R. 387, 1980; adopted 1980; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 24. Access to public records and meetings.**—

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

(b) All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public busi-

ness of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

(c) This section shall be self-executing. The legislature, however, may provide by general law passed by a two-thirds vote of each house for the exemption of records from the requirements of subsection (a) and the exemption of meetings from the requirements of subsection (b), provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The legislature shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section, except that each house of the legislature may adopt rules governing the enforcement of this section in relation to records of the legislative branch. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsections (a) or (b) and provisions governing the enforcement of this section, and shall relate to one subject.

(d) All laws that are in effect on July 1, 1993 that limit public access to records or meetings shall remain in force, and such laws apply to records of the legislative and judicial branches, until they are repealed. Rules of court that are in effect on the date of adoption of this section that limit access to records shall remain in effect until they are repealed.

**History.**—Added, C.S. for C.S. for H.J.R.'s 1727, 863, 2035, 1992; adopted 1992; Am. S.J.R. 1284, 2002; adopted 2002.

#### **SECTION 25. Taxpayers' Bill of Rights.—**

By general law the legislature shall prescribe and adopt a Taxpayers' Bill of Rights that, in clear and concise language, sets forth taxpayers' rights and responsibilities and government's responsibilities to deal fairly with taxpayers under the laws of this state. This section shall be effective July 1, 1993.

**History.**—Proposed by Taxation and Budget Reform Commission, Revision No. 2, 1992, filed with the Secretary of State May 7, 1992; adopted 1992.

**Note.**—This section, originally designated section 24 by Revision No. 2 of the Taxation and Budget Reform Commission, 1992, was redesignated section 25 by the editors in order to avoid confusion with section 24 as contained in H.J.R.'s 1727, 863, 2035, 1992.

#### **SECTION 26. Claimant's right to fair compensation.—**

(a) Article I, Section 26 is created to read "Claimant's right to fair compensation." In any

medical liability claim involving a contingency fee, the claimant is entitled to receive no less than 70% of the first \$250,000.00 in all damages received by the claimant, exclusive of reasonable and customary costs, whether received by judgment, settlement, or otherwise, and regardless of the number of defendants. The claimant is entitled to 90% of all damages in excess of \$250,000.00, exclusive of reasonable and customary costs and regardless of the number of defendants. This provision is self-executing and does not require implementing legislation.

(b) This Amendment shall take effect on the day following approval by the voters.

**History.**—Proposed by Initiative Petition filed with the Secretary of State September 8, 2003; adopted 2004.

## **ARTICLE II**

### **GENERAL PROVISIONS**

Sec.

1. State boundaries.
2. Seat of government.
3. Branches of government.
4. State seal and flag.
5. Public officers.
6. Enemy attack.
7. Natural resources and scenic beauty.
8. Ethics in government.
9. English is the official language of Florida.

#### **SECTION 1. State boundaries.—**

(a) The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30°16'53" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°17'02" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°18'00" north and longitude 87°27'08" west intersect; thence to the point where the center line of the Intracoastal Canal (as the same existed on June 12, 1953) and longitude 87°27'00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31°00'00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31°00'00" north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the

St. Marys River; thence down the middle of said river to the Atlantic Ocean; thence due east to the edge of the Gulf Stream or a distance of three geographic miles whichever is the greater distance; thence in a southerly direction along the edge of the Gulf Stream or along a line three geographic miles from the Atlantic coastline and three leagues distant from the Gulf of Mexico coastline, whichever is greater, to and through the Straits of Florida and westerly, including the Florida reefs, to a point due south of and three leagues from the southernmost point of the Marquesas Keys; thence westerly along a straight line to a point due south of and three leagues from Loggerhead Key, the westernmost of the Dry Tortugas Islands; thence westerly, northerly and easterly along the arc of a curve three leagues distant from Loggerhead Key to a point due north of Loggerhead Key; thence northeast along a straight line to a point three leagues from the coastline of Florida; thence northerly and westerly three leagues distant from the coastline to a point west of the mouth of the Perdido River three leagues from the coastline as measured on a line bearing south 0°01'00" west from the point of beginning; thence northerly along said line to the point of beginning. The State of Florida shall also include any additional territory within the United States adjacent to the Peninsula of Florida lying south of the St. Marys River, east of the Perdido River, and south of the States of Alabama and Georgia.

(b) The coastal boundaries may be extended by statute to the limits permitted by the laws of the United States or international law.

**SECTION 2. Seat of government.**—The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the governor, lieutenant governor, cabinet members and the supreme court shall be maintained and the sessions of the legislature shall be held; provided that, in time of invasion or grave emergency, the governor by proclamation may for the period of the emergency transfer the seat of government to another place.

**SECTION 3. Branches of government.**—The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either

of the other branches unless expressly provided herein.

**SECTION 4. State seal and flag.**—The design of the great seal and flag of the state shall be prescribed by law.

**SECTION 5. Public officers.**—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God."

and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

(c) The powers, duties, compensation and method of payment of state and county officers shall be fixed by law.

History.—Am. H.J.R. 1616, 1988; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 6. Enemy attack.**—In periods of emergency resulting from enemy attack the legislature shall have power to provide for prompt and temporary succession to the powers and duties of all public offices the incumbents of which may become unavailable to execute the functions of their offices, and to adopt such other measures as may be necessary and appropriate to insure the continuity of governmental operations during the emergency. In exercising these powers, the legislature may depart from other

requirements of this constitution, but only to the extent necessary to meet the emergency.

**SECTION 7. Natural resources and scenic beauty.—**

(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources.

(b) Those in the Everglades Agricultural Area who cause water pollution within the Everglades Protection Area or the Everglades Agricultural Area shall be primarily responsible for paying the costs of the abatement of that pollution. For the purposes of this subsection, the terms "Everglades Protection Area" and "Everglades Agricultural Area" shall have the meanings as defined in statutes in effect on January 1, 1996.

**History.**—Am. by Initiative Petition filed with the Secretary of State March 26, 1996; adopted 1996; Am. proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 8. Ethics in government.—**A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

(a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.

(b) All elected public officers and candidates for such offices shall file full and public disclosure of their campaign finances.

(c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.

(d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.

(e) No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally

represent another person or entity for compensation during term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

(f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.

(g) A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

(h) This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.

(i) Schedule.—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the custodian of state records by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

a. A copy of the person's most recent federal income tax return; or

b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (i)(1).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

**History.**—Proposed by Initiative Petition filed with the Secretary of State July 29, 1976; adopted 1976; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 9. English is the official language of Florida.—**

(a) English is the official language of the State of Florida.

(b) The legislature shall have the power to enforce this section by appropriate legislation.

**History.**—Proposed by Initiative Petition filed with the Secretary of State August 8, 1988; adopted 1988.

**ARTICLE III**  
**LEGISLATURE**

Sec.

1. Composition.
2. Members; officers.
3. Sessions of the legislature.
4. Quorum and procedure.
5. Investigations; witnesses.
6. Laws.
7. Passage of bills.
8. Executive approval and veto.
9. Effective date of laws.
10. Special laws.
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13. Term of office.
14. Civil service system.
15. Terms and qualifications of legislators.
16. Legislative apportionment.
17. Impeachment.
18. Conflict of Interest.
19. State Budgeting, Planning and Appropriations Processes.

**SECTION 1. Composition.**—The legislative power of the state shall be vested in a legislature of the State of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district.

**SECTION 2. Members; officers.**—Each house shall be the sole judge of the qualifications, elections, and returns of its members, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Senate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure. The legislature shall appoint an auditor to serve at its pleasure who shall audit public records and perform related duties as prescribed by law or concurrent resolution.

**SECTION 3. Sessions of the legislature.**—

(a) ORGANIZATION SESSIONS. On the fourteenth day following each general election

the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) REGULAR SESSIONS. A regular session of the legislature shall convene on the first Tuesday after the first Monday in March of each odd-numbered year, and on the first Tuesday after the first Monday in March, or such other date as may be fixed by law, of each even-numbered year.

(c) SPECIAL SESSIONS.

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house.

(2) A special session of the legislature may be convened as provided by law.

(d) LENGTH OF SESSIONS. A regular session of the legislature shall not exceed sixty consecutive days, and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

(e) ADJOURNMENT. Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.

(f) ADJOURNMENT BY GOVERNOR. If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, and while neither house is in recess, each house shall be given formal written notice of the governor's intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

**History.**—Am. C.S. for S.J.R. 380, 1989; adopted 1990; Am. S.J.R. 2606, 1994; adopted 1994; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 4. Quorum and procedure.**—

(a) A majority of the membership of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the presence of absent members in such manner and under such penalties as it may prescribe. Each house shall determine its rules of procedure.

(b) Sessions of each house shall be public; except sessions of the senate when considering

appointment to or removal from public office may be closed.

(c) Each house shall keep and publish a journal of its proceedings; and upon the request of five members present, the vote of each member voting on any question shall be entered on the journal. In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.

(d) Each house may punish a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member.

(e) The rules of procedure of each house shall provide that all legislative committee and subcommittee meetings of each house, and joint conference committee meetings, shall be open and noticed to the public. The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public. All open meetings shall be subject to order and decorum. This section shall be implemented and defined by the rules of each house, and such rules shall control admission to the floor of each legislative chamber and may, where reasonably necessary for security purposes or to protect a witness appearing before a committee, provide for the closure of committee meetings. Each house shall be the sole judge for the interpretation, implementation, and enforcement of this section.

**History.**—Am. S.J.R.'s 1990, 2, 1990; adopted 1990.

**SECTION 5. Investigations; witnesses.**—Each house, when in session, may compel attendance of witnesses and production of documents and other evidence upon any matter under investigation before it or any of its committees, and may punish by fine not exceeding one thousand dollars or imprisonment not exceeding ninety days, or both, any person not a member who has been guilty of disorderly or contemptuous conduct in its presence or has refused to obey its lawful summons or to answer lawful questions. Such powers, except the power to punish, may be conferred by law upon commit-

tees when the legislature is not in session. Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law.

**SECTION 6. Laws.**—Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection. The enacting clause of every law shall read: "Be It Enacted by the Legislature of the State of Florida:".

**SECTION 7. Passage of bills.**—Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote; provided the publication of its title in the journal of a house shall satisfy the requirement for the first reading in that house. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full. On final passage, the vote of each member voting shall be entered on the journal. Passage of a bill shall require a majority vote in each house. Each bill and joint resolution passed in both houses shall be signed by the presiding officers of the respective houses and by the secretary of the senate and the clerk of the house of representatives during the session or as soon as practicable after its adjournment sine die.

**History.**—Am. S.J.R. 1349, 1980; adopted 1980.

**SECTION 8. Executive approval and veto.**—

(a) Every bill passed by the legislature shall be presented to the governor for approval and shall become a law if the governor approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, the governor shall have fifteen consecutive days from the date of presentation to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates.

(b) When a bill or any specific appropriation of a general appropriation bill has been vetoed, the governor shall transmit signed objections thereto to the house in which the bill originated if

in session. If that house is not in session, the governor shall file them with the custodian of state records, who shall lay them before that house at its next regular or special session, whichever occurs first, and they shall be entered on its journal. If the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session.

(c) If each house shall, by a two-thirds vote, re-enact the bill or reinstate the vetoed specific appropriation of a general appropriation bill, the vote of each member voting shall be entered on the respective journals, and the bill shall become law or the specific appropriation reinstated, the veto notwithstanding.

**History.**—Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 9. Effective date of laws.**—Each law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted or as otherwise provided therein. If the law is passed over the veto of the governor it shall take effect on the sixtieth day after adjournment sine die of the session in which the veto is overridden, on a later date fixed in the law, or on a date fixed by resolution passed by both houses of the legislature.

**SECTION 10. Special laws.**—No special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law. Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected.

**SECTION 11. Prohibited special laws.**—

(a) There shall be no special law or general law of local application pertaining to:

(1) election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies;

(2) assessment or collection of taxes for state or county purposes, including extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability;

(3) rules of evidence in any court;

(4) punishment for crime;

(5) petit juries, including compensation of jurors, except establishment of jury commissions;

(6) change of civil or criminal venue;

(7) conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor;

(8) refund of money legally paid or remission of fines, penalties or forfeitures;

(9) creation, enforcement, extension or impairment of liens based on private contracts, or fixing of interest rates on private contracts;

(10) disposal of public property, including any interest therein, for private purposes;

(11) vacation of roads;

(12) private incorporation or grant of privilege to a private corporation;

(13) effectuation of invalid deeds, wills or other instruments, or change in the law of descent;

(14) change of name of any person;

(15) divorce;

(16) legitimation or adoption of persons;

(17) relief of minors from legal disabilities;

(18) transfer of any property interest of persons under legal disabilities or of estates of decedents;

(19) hunting or fresh water fishing;

(20) regulation of occupations which are regulated by a state agency; or

(21) any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. Such law may be amended or repealed by like vote.

(b) In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

**Note.**—See the following for prohibited subject matters added under the authority of this paragraph:

s. 112.67, F.S. (Pertaining to protection of public employee retirement benefits).

s. 121.191, F.S. (Pertaining to state-administered or supported retirement systems).

s. 145.16, F.S. (Pertaining to compensation of designated county officials).

s. 189.404(2), F.S. (Pertaining to independent special districts).

s. 190.049, F.S. (Pertaining to the creation of independent special districts having the powers enumerated in two or more of the paragraphs of s. 190.012, F.S.).

s. 215.845, F.S. (Pertaining to the maximum rate of interest on bonds).

s. 298.76(1), F.S. (Pertaining to the grant of authority, power, rights, or privileges to a water control district formed pursuant to ch. 298, F.S.).

s. 373.503(2)(b), F.S. (Pertaining to allocation of millage for water management purposes).

s. 1011.77, F.S. (Pertaining to taxation for school purposes and the Florida Education Finance Program).

s. 1013.37(5), F.S. (Pertaining to the "State Uniform Building Code for Public Educational Facilities Construction").

**SECTION 12. Appropriation bills.**—Laws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject.

**SECTION 13. Term of office.**—No office shall be created the term of which shall exceed four years except as provided herein.

**SECTION 14. Civil service system.**—By law there shall be created a civil service system for state employees, except those expressly exempted, and there may be created civil service systems and boards for county, district or municipal employees and for such offices thereof as are not elected or appointed by the governor, and there may be authorized such boards as are necessary to prescribe the qualifications, method of selection and tenure of such employees and officers.

**SECTION 15. Terms and qualifications of legislators.**—

(a) **SENATORS.** Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.

(b) **REPRESENTATIVES.** Members of the house of representatives shall be elected for terms of two years in each even-numbered year.

(c) **QUALIFICATIONS.** Each legislator shall be at least twenty-one years of age, an elector and resident of the district from which elected and shall have resided in the state for a period of two years prior to election.

(d) **ASSUMING OFFICE; VACANCIES.** Members of the legislature shall take office upon election. Vacancies in legislative office shall be filled only by election as provided by law.

**SECTION 16. Legislative apportionment.**—

(a) **SENATORIAL AND REPRESENTATIVE DISTRICTS.** The legislature at its regular session in the second year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty

consecutively numbered representative districts of either contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

(b) **FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL REAPPORTIONMENT.** In the event a special apportionment session of the legislature finally adjourns without adopting a joint resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. No later than the sixtieth day after the filing of such petition, the supreme court shall file with the custodian of state records an order making such apportionment.

(c) **JUDICIAL REVIEW OF APPORTIONMENT.** Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.

(d) **EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY APPORTIONMENT SESSION.** A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) **EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF APPORTIONMENT.** Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Consideration of the validity of a joint resolution of apportionment shall be had as provided for in

cases of such joint resolution adopted at a regular or special apportionment session.

(f) **JUDICIAL REAPPORTIONMENT.**

Should an extraordinary apportionment session fail to adopt a resolution of apportionment or should the supreme court determine that the apportionment made is invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the custodian of state records an order making such apportionment.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 17. Impeachment.—**

(a) The governor, lieutenant governor, members of the cabinet, justices of the supreme court, judges of district courts of appeal, judges of circuit courts, and judges of county courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote shall have the power to impeach an officer. The speaker of the house of representatives shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

(b) An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the senate, and, unless impeached, the governor may by appointment fill the office until completion of the trial.

(c) All impeachments by the house of representatives shall be tried by the senate. The chief justice of the supreme court, or another justice designated by the chief justice, shall preside at the trial, except in a trial of the chief justice, in which case the governor shall preside. The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not. The time fixed for trial shall not be more than six months after the impeachment. During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the members of the senate present. Judgment of conviction in cases of impeachment shall remove the offender from office and, in the discretion of the senate, may include disqualification to hold any office of honor, trust or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

**History.**—Am. S.J.R. 459, 1987; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 18. Conflict of Interest.**—A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**Note.**—This section was repealed effective January 5, 1999, by Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998. See s. 5(e), Art. XI, State Constitution, for constitutional effective date. Identical language to s. 18, Art. III, State Constitution, was enacted in s. 8(g), Art. II, State Constitution, by Revision No. 13, 1998.

**SECTION 19. State Budgeting, Planning and Appropriations Processes.—**

(a) **ANNUAL BUDGETING.** Effective July 1, 1994, general law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills. For purposes of this subsection, the terms department and agency shall include the judicial branch.

(b) **APPROPRIATION BILLS FORMAT.** Separate sections within the general appropriation bill shall be used for each major program area of the state budget; major program areas shall include: education enhancement "lottery" trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars (\$1,000,000.00) in 1992 dollars. For purposes of this subsection, "specific appropriation," "itemization," and "major program area" shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics or its succes-

sor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific appropriation veto power described in Article III, Section 8. This subsection shall be effective July 1, 1994.

(c) **APPROPRIATIONS REVIEW PROCESS.** Effective July 1, 1993, general law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the appropriations committees of both houses of the legislature. The review shall include a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this subsection, the terms department and agency shall include the judicial branch.

(d) **SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD.** All general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage by either house of the legislature of the bill in the form that will be presented to the governor.

(e) **FINAL BUDGET REPORT.** Effective November 4, 1992, a final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the 90th day after the beginning of the fiscal year, and copies of the report shall be furnished to each member of the legislature, the head of each department and agency of the state, the auditor general, and the chief justice of the supreme court.

(f) **TRUST FUNDS.**

(1) No trust fund of the State of Florida or other public body may be created by law without a three-fifths ( $\frac{3}{5}$ ) vote of the membership of each house of the legislature in a separate bill for that purpose only.

(2) State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection. State trust funds created after the effective date of this subsection shall terminate not more than four years after the effective date of the act authorizing the creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

(3) Trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions, whose

revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the state transportation trust fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida retirement trust fund; trust funds for institutions under the management of the Board of Regents, where such trust funds are for auxiliary enterprises and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the chief financial officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by this Constitution, are not subject to the requirements set forth in paragraph (2) of this subsection.

(4) All cash balances and income of any trust funds abolished under this subsection shall be deposited into the general revenue fund.

(5) The provisions of this subsection shall be effective November 4, 1992.

(g) **BUDGET STABILIZATION FUND.** Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year. Subject to the provisions of this subsection, the budget stabilization fund shall be maintained at an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.

(h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES. The governor shall recommend to the legislature biennially any revisions to the state planning document, as defined by law. General law shall require a biennial review and revision of the state planning document, shall require the governor to report to the legislature on the progress in achieving the state planning document's goals, and shall require all departments and agencies of state government to develop planning documents consistent with the state planning document. The state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law. To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.

**History.**—Proposed by Taxation and Budget Reform Commission, Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

## ARTICLE IV EXECUTIVE

Sec.

1. Governor.
2. Lieutenant governor.
3. Succession to office of governor; acting governor.
4. Cabinet.
5. Election of governor, lieutenant governor and cabinet members; qualifications; terms.
6. Executive departments.
7. Suspensions; filling office during suspensions.
8. Clemency.
9. Fish and wildlife conservation commission.
10. Attorney General.
11. Department of Veterans Affairs.
12. Department of Elderly Affairs.
13. Revenue Shortfalls.

### SECTION 1. Governor.—

(a) The supreme executive power shall be vested in a governor, who shall be commander-in-chief of all military forces of the state not in active service of the United States. The governor shall take care that the laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government. The governor may require information in writing from all executive or administrative state, county or municipal officers upon any subject relating to the duties of their respective offices. The governor shall be the chief administrative officer of the state responsible for the planning and budgeting for the state.

(b) The governor may initiate judicial proceedings in the name of the state against any executive or administrative state, county or municipal officer to enforce compliance with any duty or restrain any unauthorized act.

(c) The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting the governor's executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion not earlier than ten days from the filing and docketing of the request, unless in their judgment the delay would cause public injury.

(d) The governor shall have power to call out the militia to preserve the public peace, execute the laws of the state, suppress insurrection, or repel invasion.

(e) The governor shall by message at least once in each regular session inform the legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest.

(f) When not otherwise provided for in this constitution, the governor shall fill by appointment any vacancy in state or county office for the remainder of the term of an appointive office, and for the remainder of the term of an elective office if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election.

**History.**—Am. proposed by Taxation and Budget Reform Commission, Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 2. Lieutenant governor.**—There shall be a lieutenant governor, who shall perform

such duties pertaining to the office of governor as shall be assigned by the governor, except when otherwise provided by law, and such other duties as may be prescribed by law.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 3. Succession to office of governor; acting governor.—**

(a) Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(b) Upon impeachment of the governor and until completion of trial thereof, or during the governor's physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by three cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or three cabinet members. Incapacity to serve as governor may also be established by certificate filed with the custodian of state records by the governor declaring incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

**History.**—Am. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 4. Cabinet.—**

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.

(b) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by

the attorney general from not less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

(c) The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.

(d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(e) The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).

(f) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

(g) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.

**History.**—Am. H.J.R. 435, 1983; adopted 1984; Am. H.J.R. 386, 1985; adopted 1986; Am. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 5. Election of governor, lieutenant governor and cabinet members; qualifications; terms.—**

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. In primary elections, candidates for the office of governor may choose to run without a lieutenant governor candidate. In the general election, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.

(b) When elected, the governor, lieutenant governor and each cabinet member must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a

member of the bar of Florida for the preceding five years. No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 6. Executive departments.**—All functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this constitution. The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

(b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

**SECTION 7. Suspensions; filling office during suspensions.**—

(a) By executive order stating the grounds and filed with the custodian of state records, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.

(b) The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official and for such purpose the senate may be convened in special session by its president or by a majority of its membership.

(c) By order of the governor any elected municipal officer indicted for crime may be suspended from office until acquitted and the office filled by appointment for the period of suspension, not to extend beyond the term, unless

these powers are vested elsewhere by law or the municipal charter.

**History.**—Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 8. Clemency.**—

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of two members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 9. Fish and wildlife conservation commission.**—

There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law. The commission shall establish procedures to ensure adequate due process in the exercise of its regulatory and executive functions. The legislature may enact laws in aid of the commission, not inconsistent with this section, except that there shall be no special law or general law of local application pertaining to hunting or fishing. The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law. Revenue derived from

license fees for the taking of wild animal life and fresh water aquatic life shall be appropriated to the commission by the legislature for the purposes of management, protection, and conservation of wild animal life and fresh water aquatic life. Revenue derived from license fees relating to marine life shall be appropriated by the legislature for the purposes of management, protection, and conservation of marine life as provided by law. The commission shall not be a unit of any other state agency and shall have its own staff, which includes management, research, and enforcement. Unless provided by general law, the commission shall have no authority to regulate matters relating to air and water pollution.

**History.**—Am. C.S. for H.J.R. 637, 1973; adopted 1974; Am. proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 10. Attorney General.**—The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition circulated pursuant to Section 3 of Article XI. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion no later than April 1 of the year in which the initiative is to be submitted to the voters pursuant to Section 5 of Article XI.

**History.**—Added, H.J.R. 71, 1986; adopted 1986; Am. S.J.R. 2394, 2004; adopted 2004.

**SECTION 11. Department of Veterans Affairs.**—The legislature, by general law, may provide for the establishment of the Department of Veterans Affairs.

**History.**—Added, C.S. for H.J.R. 290, 1988; adopted 1988.

**SECTION 12. Department of Elderly Affairs.**—The legislature may create a Department of Elderly Affairs and prescribe its duties. The provisions governing the administration of the department must comply with Section 6 of Article IV of the State Constitution.

**History.**—Added, C.S. for H.J.R. 290, 1988; adopted 1988.

**SECTION 13. Revenue Shortfalls.**—In the event of revenue shortfalls, as defined by general law, the governor and cabinet may establish all necessary reductions in the state budget in order to comply with the provisions of Article VII, Section 1(d). The governor and cabinet shall implement all necessary reductions for the executive budget, the chief justice of the supreme court shall implement all necessary reductions for the judicial budget, and the speaker of the house of representatives and the president of the senate shall implement all necessary reductions for the legislative budget. Budget reduc-

tions pursuant to this section shall be consistent with the provisions of Article III, Section 19(h).

**History.**—Proposed by Taxation and Budget Reform Commission Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992.

## ARTICLE V

### JUDICIARY

Sec.

1. Courts.
2. Administration; practice and procedure.
3. Supreme court.
4. District courts of appeal.
5. Circuit courts.
6. County courts.
7. Specialized divisions.
8. Eligibility.
9. Determination of number of judges.
10. Retention; election and terms.
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12. Discipline; removal and retirement.
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14. Funding.
15. Attorneys; admission and discipline.
16. Clerks of the circuit courts.
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19. Judicial officers as conservators of the peace.
20. Schedule to Article V.

**SECTION 1. Courts.**—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality. The legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines. Commissions established by law, or administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices. The legislature may establish by general law a civil traffic hearing officer system for the purpose of hearing civil traffic infractions. The legislature may, by general law, authorize a military court-martial to be conducted by military judges of the Florida National Guard, with direct appeal of a decision to the District Court of Appeal, First District.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. H.J.R. 1608, 1988; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 2. Administration; practice and procedure.—**

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. The supreme court shall adopt rules to allow the court and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory opinion. Rules of court may be repealed by general law enacted by two-thirds vote of the membership of each house of the legislature.

(b) The chief justice of the supreme court shall be chosen by a majority of the members of the court; shall be the chief administrative officer of the judicial system; and shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief judge of a judicial circuit the power to assign judges for duty in that circuit.

(c) A chief judge for each district court of appeal shall be chosen by a majority of the judges thereof or, if there is no majority, by the chief justice. The chief judge shall be responsible for the administrative supervision of the court.

(d) A chief judge in each circuit shall be chosen from among the circuit judges as provided by supreme court rule. The chief judge shall be responsible for the administrative supervision of the circuit courts and county courts in his circuit.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 3. Supreme court.—**

(a) **ORGANIZATION.**—The supreme court shall consist of seven justices. Of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court who is a resident of the district at the time of the original appointment or election. Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision. When recusals for cause would prohibit the court from convening because of the requirements of this section, judges assigned to temporary duty may be substituted for justices.

(b) **JURISDICTION.**—The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and

from decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution.

(2) When provided by general law, shall hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and shall review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service.

(3) May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.

(4) May review any decision of a district court of appeal that passes upon a question certified by it to be of great public importance, or that is certified by it to be in direct conflict with a decision of another district court of appeal.

(5) May review any order or judgment of a trial court certified by the district court of appeal in which an appeal is pending to be of great public importance, or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the supreme court.

(6) May review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals which is determinative of the cause and for which there is no controlling precedent of the supreme court of Florida.

(7) May issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction.

(8) May issue writs of mandamus and quo warranto to state officers and state agencies.

(9) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge.

(10) Shall, when requested by the attorney general pursuant to the provisions of Section 10 of Article IV, render an advisory opinion of the justices, addressing issues as provided by general law.

(c) **CLERK AND MARSHAL.**—The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by

general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. C.S. for S.J.R.'s 49, 81, 1976; adopted 1976; Am. S.J.R. 20-C, 1979; adopted 1980; Am. H.J.R. 71, 1986; adopted 1986; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

#### **SECTION 4. District courts of appeal.—**

(a) **ORGANIZATION.**—There shall be a district court of appeal serving each appellate district. Each district court of appeal shall consist of at least three judges. Three judges shall consider each case and the concurrence of two shall be necessary to a decision.

#### (b) **JURISDICTION.**—

(1) District courts of appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the supreme court.

(2) District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof or before any circuit judge within the territorial jurisdiction of the court. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

(c) **CLERKS AND MARSHALS.**—Each district court of appeal shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the territorial jurisdiction of the court, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

#### **SECTION 5. Circuit courts.—**

(a) **ORGANIZATION.**—There shall be a circuit court serving each judicial circuit.

(b) **JURISDICTION.**—The circuit courts shall have original jurisdiction not vested in the

county courts, and jurisdiction of appeals when provided by general law. They shall have the power to issue writs of mandamus, quo warranto, certiorari, prohibition and habeas corpus, and all writs necessary or proper to the complete exercise of their jurisdiction. Jurisdiction of the circuit court shall be uniform throughout the state. They shall have the power of direct review of administrative action prescribed by general law.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

#### **SECTION 6. County courts.—**

(a) **ORGANIZATION.**—There shall be a county court in each county. There shall be one or more judges for each county court as prescribed by general law.

(b) **JURISDICTION.**—The county courts shall exercise the jurisdiction prescribed by general law. Such jurisdiction shall be uniform throughout the state.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 7. Specialized divisions.**—All courts except the supreme court may sit in divisions as may be established by general law. A circuit or county court may hold civil and criminal trials and hearings in any place within the territorial jurisdiction of the court as designated by the chief judge of the circuit.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 8. Eligibility.**—No person shall be eligible for office of justice or judge of any court unless the person is an elector of the state and resides in the territorial jurisdiction of the court. No justice or judge shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which has been served. No person is eligible for the office of justice of the supreme court or judge of a district court of appeal unless the person is, and has been for the preceding ten years, a member of the bar of Florida. No person is eligible for the office of circuit judge unless the person is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, no person is eligible for the office of county court judge unless the person is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, a person shall be eligible for election or appointment to the office of county court judge in a county having a population of 40,000 or less if the person is a member in good standing of the bar of Florida.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. H.J.R. 37, 1984; adopted 1984 (effective July 1, 1985); Am. proposed by Constitution

Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 9. Determination of number of judges.**—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature, that such a need exists. A decrease in the number of judges shall be effective only after the expiration of a term. If the supreme court fails to make findings as provided above when need exists, the legislature may by concurrent resolution request the court to certify its findings and recommendations and upon the failure of the court to certify its findings for nine consecutive months, the legislature may, upon a finding of two-thirds of the membership of both houses of the legislature that a need exists, increase or decrease the number of judges or increase, decrease or redefine appellate districts and judicial circuits.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 10. Retention; election and terms.**—

(a) Any justice or judge may qualify for retention by a vote of the electors in the general election next preceding the expiration of the justice's or judge's term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge. When a justice or judge so qualifies, the ballot shall read substantially as follows: "Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?" If a majority of the qualified electors voting within the territorial jurisdiction of

the court vote to retain, the justice or judge shall be retained for a term of six years. The term of the justice or judge retained shall commence on the first Tuesday after the first Monday in January following the general election. If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge.

(b)(1) The election of circuit judges shall be preserved notwithstanding the provisions of subsection (a) unless a majority of those voting in the jurisdiction of that circuit approves a local option to select circuit judges by merit selection and retention rather than by election. The election of circuit judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.

(2) The election of county court judges shall be preserved notwithstanding the provisions of subsection (a) unless a majority of those voting in the jurisdiction of that county approves a local option to select county judges by merit selection and retention rather than by election. The election of county court judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.

(3)a. A vote to exercise a local option to select circuit court judges and county court judges by merit selection and retention rather than by election shall be held in each circuit and county at the general election in the year 2000. If a vote to exercise this local option fails in a vote of the electors, such option shall not again be put to a vote of the electors of that jurisdiction until the expiration of at least two years.

b. After the year 2000, a circuit may initiate the local option for merit selection and retention or the election of circuit judges, whichever is applicable, by filing with the custodian of state records a petition signed by the number of electors equal to at least ten percent of the votes cast in the circuit in the last preceding election in which presidential electors were chosen.

c. After the year 2000, a county may initiate the local option for merit selection and retention or the election of county court judges, whichever is applicable, by filing with the supervisor of elections a petition signed by the number of electors equal to at least ten percent of the votes cast in the county in the last preceding election in which presidential electors were chosen. The terms of circuit judges and judges of county courts shall be for six years.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. C.S. for S.J.R.'s 49, 81, 1976; adopted 1976; Ams. proposed by Constitution Revision Commission, Revision Nos. 7 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 11. Vacancies.—**

(a) Whenever a vacancy occurs in a judicial office to which election for retention applies, the governor shall fill the vacancy by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court, wherein the judges are elected by a majority vote of the electors, by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to the governor.

(d) There shall be a separate judicial nominating commission as provided by general law for the supreme court, each district court of appeal, and each judicial circuit for all trial courts within the circuit. Uniform rules of procedure shall be established by the judicial nominating commissions at each level of the court system. Such rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. Except for deliberations of the judicial nominating commissions, the proceedings of the commissions and their records shall be open to the public.

*History.*—S.J.R. 52-D, 1971; adopted 1972; Am. C.S. for S.J.R.'s 49, 81, 1976; adopted 1976; Am. H.J.R. 1160, 1984; adopted 1984; Am. C.S. for S.J.R. 978, 1996; adopted 1996; Ams. proposed by Constitution Revision Commission, Revision Nos. 7 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 12. Discipline; removal and retirement.—**

(a) **JUDICIAL QUALIFICATIONS COMMISSION.**—A judicial qualifications commission is created.

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, (without regard to the effective date of this section) demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966 (without regard to the effective date of this section), warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge. The commission shall be composed of:

a. Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;

b. Four electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and

c. Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(2) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a judge shall be eligible for state judicial office while acting as a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may campaign for judicial office and hold that office. The commission shall elect one of its members as its chairperson.

(3) Members of the judicial qualifications commission not subject to impeachment shall be subject to removal from the commission pursuant to the provisions of Article IV, Section 7, Florida Constitution.

(4) The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, the rotation of members between the panels, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. The commission shall have power to issue subpoenas. Until formal charges against a justice or judge are filed by the investigative panel with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public.

(5) The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives or the governor, the commission shall make available all information in the possession of the commission for use in consideration of impeachment or suspension, respectively.

(b) PANELS.—The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges from the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT.—The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commis-

sion and it may order that the justice or judge be subjected to appropriate discipline, or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the investigative panel, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

(d) The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment.

(e) Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

(f) SCHEDULE TO SECTION 12.—

(1) Except to the extent inconsistent with the provisions of this section, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(2) After this section becomes effective and until adopted by rule of the commission consistent with it:

a. The commission shall be divided, as determined by the chairperson, into one investigative panel and one hearing panel to meet the responsibilities set forth in this section.

b. The investigative panel shall be composed of:

1. Four judges,
2. Two members of the bar of Florida, and
3. Three non-lawyers.

c. The hearing panel shall be composed of:

1. Two judges,
2. Two members of the bar of Florida, and
3. Two non-lawyers.

d. Membership on the panels may rotate in a manner determined by the rules of the commission provided that no member shall vote as a member of the investigative and hearing panel on the same proceeding.

e. The commission shall hire separate staff for each panel.

f. The members of the commission shall serve for staggered terms of six years.

g. The terms of office of the present members of the judicial qualifications commission shall expire upon the effective date of the amendments to this section approved by the legislature during the regular session of the legislature in 1996 and new members shall be appointed to serve the following staggered terms:

1. Group I.—The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one judge from the district courts of appeal and one circuit judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 1998.

2. Group II.—The terms of five members, composed of one elector as set forth in s. 12(a)(1)c. of Article V, two members of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one circuit judge and one county judge as set forth in s. 12(a)(1)a. of Article V shall expire on December 31, 2000.

3. Group III.—The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b., one judge from the district courts of appeal and one county judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 2002.

h. An appointment to fill a vacancy of the commission shall be for the remainder of the term.

i. Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the

members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.

j. The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.

k. The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. H.J.R. 3911, 1974; adopted 1974; Am. H.J.R. 1709, 1975; adopted 1976; Am. C.S. for S.J.R. 978, 1996; adopted 1996; Am. proposed by Constitution Revision Commission, Revision No. 7, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 13. Prohibited activities.**—All justices and judges shall devote full time to their judicial duties. They shall not engage in the practice of law or hold office in any political party.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

#### **SECTION 14. Funding.**—

(a) All justices and judges shall be compensated only by state salaries fixed by general law. Funding for the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel, except as otherwise provided in subsection (c), shall be provided from state revenues appropriated by general law.

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.

(c) No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system, state attorneys' offices, public defenders' offices,

court-appointed counsel or the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

(d) The judiciary shall have no power to fix appropriations.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. proposed by Constitution Revision Commission, Revision No. 7, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 15. Attorneys; admission and discipline.**—The supreme court shall have exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 16. Clerks of the circuit courts.**—There shall be in each county a clerk of the circuit court who shall be selected pursuant to the provisions of Article VIII section 1. Notwithstanding any other provision of the constitution, the duties of the clerk of the circuit court may be divided by special or general law between two officers, one serving as clerk of court and one serving as ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. There may be a clerk of the county court if authorized by general or special law.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 17. State attorneys.**—In each judicial circuit a state attorney shall be elected for a term of four years. Except as otherwise provided in this constitution, the state attorney shall be the prosecuting officer of all trial courts in that circuit and shall perform other duties prescribed by general law; provided, however, when authorized by general law, the violations of all municipal ordinances may be prosecuted by municipal prosecutors. A state attorney shall be an elector of the state and reside in the territorial jurisdiction of the circuit; shall be and have been a member of the bar of Florida for the preceding five years; shall devote full time to the duties of the office; and shall not engage in the private practice of law. State attorneys shall appoint such

assistant state attorneys as may be authorized by law.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. H.J.R. 386, 1985; adopted 1986; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 18. Public defenders.**—In each judicial circuit a public defender shall be elected for a term of four years, who shall perform duties prescribed by general law. A public defender shall be an elector of the state and reside in the territorial jurisdiction of the circuit and shall be and have been a member of the Bar of Florida for the preceding five years. Public defenders shall appoint such assistant public defenders as may be authorized by law.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 19. Judicial officers as conservators of the peace.**—All judicial officers in this state shall be conservators of the peace.

**History.**—S.J.R. 52-D, 1971; adopted 1972.

**SECTION 20. Schedule to Article V.—**

(a) This article shall replace all of Article V of the Constitution of 1885, as amended, which shall then stand repealed.

(b) Except to the extent inconsistent with the provisions of this article, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(c) After this article becomes effective, and until changed by general law consistent with sections 1 through 19 of this article:

(1) The supreme court shall have the jurisdiction immediately theretofore exercised by it, and it shall determine all proceedings pending before it on the effective date of this article.

(2) The appellate districts shall be those in existence on the date of adoption of this article. There shall be a district court of appeal in each district. The district courts of appeal shall have the jurisdiction immediately theretofore exercised by the district courts of appeal and shall determine all proceedings pending before them on the effective date of this article.

(3) Circuit courts shall have jurisdiction of appeals from county courts and municipal courts, except those appeals which may be taken directly to the supreme court; and they shall have exclusive original jurisdiction in all actions at law not cognizable by the county courts; of proceedings relating to the settlement of the estate of decedents and minors, the granting of letters testamentary, guardianship, invol-

untary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate; in all cases in equity including all cases relating to juveniles; of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged; in all cases involving legality of any tax assessment or toll; in the action of ejectment; and in all actions involving the titles or boundaries or right of possession of real property. The circuit court may issue injunctions. There shall be judicial circuits which shall be the judicial circuits in existence on the date of adoption of this article. The chief judge of a circuit may authorize a county court judge to order emergency hospitalizations pursuant to Chapter 71-131, Laws of Florida, in the absence from the county of the circuit judge and the county court judge shall have the power to issue all temporary orders and temporary injunctions necessary or proper to the complete exercise of such jurisdiction.

(4) County courts shall have original jurisdiction in all criminal misdemeanor cases not cognizable by the circuit courts, of all violations of municipal and county ordinances, and of all actions at law in which the matter in controversy does not exceed the sum of two thousand five hundred dollars (\$2,500.00) exclusive of interest and costs, except those within the exclusive jurisdiction of the circuit courts. Judges of county courts shall be committing magistrates. The county courts shall have jurisdiction now exercised by the county judge's courts other than that vested in the circuit court by subsection (c)(3) hereof, the jurisdiction now exercised by the county courts, the claims court, the small claims courts, the small claims magistrates courts, magistrates courts, justice of the peace courts, municipal courts and courts of chartered counties, including but not limited to the counties referred to in Article VIII, sections 9, 10, 11 and 24 of the Constitution of 1885.

(5) Each judicial nominating commission shall be composed of the following:

a. Three members appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, district or circuit;

b. Three electors who reside in the territorial jurisdiction of the court or circuit appointed by the governor; and

c. Three electors who reside in the territorial jurisdiction of the court or circuit and who are not members of the bar of Florida, selected and

appointed by a majority vote of the other six members of the commission.

(6) No justice or judge shall be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than judicial office. No member shall be eligible for appointment to state judicial office so long as that person is a member of a judicial nominating commission and for a period of two years thereafter. All acts of a judicial nominating commission shall be made with a concurrence of a majority of its members.

(7) The members of a judicial nominating commission shall serve for a term of four years except the terms of the initial members of the judicial nominating commissions shall expire as follows:

a. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1974;

b. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1975;

c. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1976;

(8) All fines and forfeitures arising from offenses tried in the county court shall be collected, and accounted for by clerk of the court, and deposited in a special trust account. All fines and forfeitures received from violations of ordinances or misdemeanors committed within a county or municipal ordinances committed within a municipality within the territorial jurisdiction of the county court shall be paid monthly to the county or municipality respectively. If any costs are assessed and collected in connection with offenses tried in county court, all court costs shall be paid into the general revenue fund of the state of Florida and such other funds as prescribed by general law.

(9) Any municipality or county may apply to the chief judge of the circuit in which that municipality or county is situated for the county court to sit in a location suitable to the municipality or county and convenient in time and place to its citizens and police officers and upon such application said chief judge shall direct the court to sit in the location unless the chief judge shall determine the request is not justified. If the chief judge does not authorize the county court to sit in the location requested, the county or municipality may apply to the supreme court for an order directing the county court to sit in the location. Any municipality or county which so applies shall be required to provide the appropriate physical

facilities in which the county court may hold court.

(10) All courts except the supreme court may sit in divisions as may be established by local rule approved by the supreme court.

(11) A county court judge in any county having a population of 40,000 or less according to the last decennial census, shall not be required to be a member of the bar of Florida.

(12) Municipal prosecutors may prosecute violations of municipal ordinances.

(13) Justice shall mean a justice elected or appointed to the supreme court and shall not include any judge assigned from any court.

(d) When this article becomes effective:

(1) All courts not herein authorized, except as provided by subsection (d)(4) of this section shall cease to exist and jurisdiction to conclude all pending cases and enforce all prior orders and judgments shall vest in the court that would have jurisdiction of the cause if thereafter instituted. All records of and property held by courts abolished hereby shall be transferred to the proper office of the appropriate court under this article.

(2) Judges of the following courts, if their terms do not expire in 1973 and if they are eligible under subsection (d)(8) hereof, shall become additional judges of the circuit court for each of the counties of their respective circuits, and shall serve as such circuit judges for the remainder of the terms to which they were elected and shall be eligible for election as circuit judges thereafter. These courts are: civil court of record of Dade county, all criminal courts of record, the felony courts of record of Alachua, Leon and Volusia Counties, the courts of record of Broward, Brevard, Escambia, Hillsborough, Lee, Manatee and Sarasota Counties, the civil and criminal court of record of Pinellas County, and county judge's courts and separate juvenile courts in counties having a population in excess of 100,000 according to the 1970 federal census. On the effective date of this article, there shall be an additional number of positions of circuit judges equal to the number of existing circuit judges and the number of judges of the above named courts whose term expires in 1973. Elections to such offices shall take place at the same time and manner as elections to other state judicial offices in 1972 and the terms of such offices shall be for a term of six years. Unless changed pursuant to section nine of this article, the number of circuit judges presently existing and created by this subsection shall not be changed.

(3) In all counties having a population of less than 100,000 according to the 1970 federal census and having more than one county judge on the date of the adoption of this article, there shall be the same number of judges of the county court as there are county judges existing on that date unless changed pursuant to section 9 of this article.

(4) Municipal courts shall continue with their same jurisdiction until amended or terminated in a manner prescribed by special or general law or ordinances, or until January 3, 1977, whichever occurs first. On that date all municipal courts not previously abolished shall cease to exist. Judges of municipal courts shall remain in office and be subject to reappointment or reelection in the manner prescribed by law until said courts are terminated pursuant to the provisions of this subsection. Upon municipal courts being terminated or abolished in accordance with the provisions of this subsection, the judges thereof who are not members of the bar of Florida, shall be eligible to seek election as judges of county courts of their respective counties.

(5) Judges, holding elective office in all other courts abolished by this article, whose terms do not expire in 1973 including judges established pursuant to Article VIII, sections 9 and 11 of the Constitution of 1885 shall serve as judges of the county court for the remainder of the term to which they were elected. Unless created pursuant to section 9, of this Article V such judicial office shall not continue to exist thereafter.

(6) By March 21, 1972, the supreme court shall certify the need for additional circuit and county judges. The legislature in the 1972 regular session may by general law create additional offices of judge, the terms of which shall begin on the effective date of this article. Elections to such offices shall take place at the same time and manner as election to other state judicial offices in 1972.

(7) County judges of existing county judge's courts and justices of the peace and magistrates' court who are not members of bar of Florida shall be eligible to seek election as county court judges of their respective counties.

(8) No judge of a court abolished by this article shall become or be eligible to become a judge of the circuit court unless the judge has been a member of bar of Florida for the preceding five years.

(9) The office of judges of all other courts abolished by this article shall be abolished as of the effective date of this article.

(10) The offices of county solicitor and prosecuting attorney shall stand abolished, and all county solicitors and prosecuting attorneys holding such offices upon the effective date of this article shall become and serve as assistant state attorneys for the circuits in which their counties are situate for the remainder of their terms, with compensation not less than that received immediately before the effective date of this article.

(e) LIMITED OPERATION OF SOME PROVISIONS.—

(1) All justices of the supreme court, judges of the district courts of appeal and circuit judges in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. All members of the judicial qualifications commission in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. Each state attorney in office on the effective date of this article shall retain the office for the remainder of the term.

(2) No justice or judge holding office immediately after this article becomes effective who held judicial office on July 1, 1957, shall be subject to retirement from judicial office because of age pursuant to section 8 of this article.

(f) Until otherwise provided by law, the non-judicial duties required of county judges shall be performed by the judges of the county court.

(g) All provisions of Article V of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this revision shall become statutes subject to modification or repeal as are other statutes.

(h) The requirements of section 14 relative to all county court judges or any judge of a municipal court who continues to hold office pursuant to subsection (d)(4) hereof being compensated by state salaries shall not apply prior to January 3, 1977, unless otherwise provided by general law.

(i) DELETION OF OBSOLETE SCHEDULE ITEMS.—The legislature shall have power, by concurrent resolution, to delete from this article any subsection of this section 20 including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

(j) EFFECTIVE DATE.—Unless otherwise provided herein, this article shall become effective at 11:59 o'clock P.M., Eastern Standard Time, January 1, 1973.

**History.**—S.J.R. 52-D, 1971; adopted 1972; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**Note.**—All provisions of Art. V of the Constitution of 1885, as amended, considered as statutory law, were repealed by ch. 73-303, Laws of Florida.

## ARTICLE VI

### SUFFRAGE AND ELECTIONS

Sec.

1. Regulation of elections.
2. Electors.
3. Oath.
4. Disqualifications.
5. Primary, general, and special elections.
6. Municipal and district elections.
7. Campaign spending limits and funding of campaigns for elective state-wide office.

**SECTION 1. Regulation of elections.**—All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law; however, the requirements for a candidate with no party affiliation or for a candidate of a minor party for placement of the candidate's name on the ballot shall be no greater than the requirements for a candidate of the party having the largest number of registered voters.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 2. Electors.**—Every citizen of the United States who is at least eighteen years of age and who is a permanent resident of the state, if registered as provided by law, shall be an elector of the county where registered.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 3. Oath.**—Each eligible citizen upon registering shall subscribe the following: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I am qualified to register as an elector under the Constitution and laws of the State of Florida."

**SECTION 4. Disqualifications.**—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

(b) No person may appear on the ballot for re-election to any of the following offices:

- (1) Florida representative,
- (2) Florida senator,
- (3) Florida Lieutenant governor,
- (4) any office of the Florida cabinet,
- (5) U.S. Representative from Florida, or
- (6) U.S. Senator from Florida

if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

**History.**—Am. by Initiative Petition filed with the Secretary of State July 23, 1992; adopted 1992.

### **SECTION 5. Primary, general, and special elections.—**

(a) A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. A general election may be suspended or delayed due to a state of emergency or impending emergency pursuant to general law. Special elections and referenda shall be held as provided by law.

(b) If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.

**History.**—Am. S.J.R. 162, 1992; adopted 1992; Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 6. Municipal and district elections.—**Registration and elections in municipalities shall, and in other governmental entities created by statute may, be provided by law.

**SECTION 7. Campaign spending limits and funding of campaigns for elective state-wide office.—**It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public

funds as the general law in effect on January 1, 1998.

**History.**—Proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

## **ARTICLE VII FINANCE AND TAXATION**

Sec.

1. Taxation; appropriations; state expenses; state revenue limitation.
2. Taxes; rate.
3. Taxes; exemptions.
4. Taxation; assessments.
5. Estate, inheritance and income taxes.
6. Homestead exemptions.
7. Allocation of pari-mutuel taxes.
8. Aid to local governments.
9. Local taxes.
10. Pledging credit.
11. State bonds; revenue bonds.
12. Local bonds.
13. Relief from illegal taxes.
14. Bonds for pollution control and abatement and other water facilities.
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17. Bonds for acquiring transportation right-of-way or for constructing bridges.
18. Laws requiring counties or municipalities to spend funds or limiting their ability to raise revenue or receive state tax revenue.

### **SECTION 1. Taxation; appropriations; state expenses; state revenue limitation.—**

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period.

(e) Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, "growth" means an amount equal to the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. For the 1995-1996 fiscal year, the state revenues allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year. Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, "state revenues" means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the revenue limitation shall be made by general

law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.

**History.**—Am. H.J.R. 2053, 1994; adopted 1994.

**SECTION 2. Taxes; rate.**—All ad valorem taxation shall be at a uniform rate within each taxing unit, except the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

**SECTION 3. Taxes; exemptions.**—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing busi-

ness. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

(e) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

**History.**—Am. S.J.R.'s 9-E, 15-E, 1980; adopted 1980; Am. C.S. for S.J.R.'s 318, 356, 1988; adopted 1988; Am. S.J.R. 152, 1992; adopted 1992; Am. H.J.R. 969, 1997; adopted 1998.

**Note.**—This subsection, originally designated (c) by S.J.R. 15-E, 1980, was redesignated (d) by the editors in order to avoid confusion with subsection (c) as contained in S.J.R. 9-E, 1980. cf.—s. 19, Art. XII Schedule.

**SECTION 4. Taxation; assessments.**—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(c) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided herein.

(1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year. Thereafter, the homestead shall be assessed as provided herein.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead. That assessment shall only change as provided herein.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(d) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(e) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the

owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

**History.**—Am. S.J.R. 12-E, 1980; adopted 1980; Am. H.J.R. 214, 1987; adopted 1988; Am. by Initiative Petition filed with the Secretary of State August 3, 1992; adopted 1992; Am. H.J.R. 969, 1997; adopted 1998; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Am. C.S. for H.J.R. 317, 2002; adopted 2002.

### SECTION 5. Estate, inheritance and income taxes.—

(a) **NATURAL PERSONS.** No tax upon estates or inheritances or upon the income of natural persons who are residents or citizens of the state shall be levied by the state, or under its authority, in excess of the aggregate of amounts which may be allowed to be credited upon or deducted from any similar tax levied by the United States or any state.

(b) **OTHERS.** No tax upon the income of residents and citizens other than natural persons shall be levied by the state, or under its authority, in excess of 5% of net income, as defined by law, or at such greater rate as is authorized by a three-fifths ( $\frac{3}{5}$ ) vote of the membership of each house of the legislature or as will provide for the state the maximum amount which may be allowed to be credited against income taxes levied by the United States and other states. There shall be exempt from taxation not less than five thousand dollars (\$5,000) of the excess of net income subject to tax over the maximum amount allowed to be credited against income taxes levied by the United States and other states.

(c) **EFFECTIVE DATE.** This section shall become effective immediately upon approval by the electors of Florida.

**History.**—Am. H.J.R. 7-B, 1971; adopted 1971.

### SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties,

jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).

(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

(e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(f) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding twenty-five thousand dollars to any person who has the

legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

**History.**—Am. S.J.R. 1-B, 1979; adopted 1980; Am. S.J.R. 4-E, 1980; adopted 1980; Am. H.J.R. 3151, 1998; adopted 1998; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 7. Allocation of pari-mutuel taxes.**—Taxes upon the operation of pari-mutuel pools may be preempted to the state or allocated in whole or in part to the counties. When allocated to the counties, the distribution shall be in equal amounts to the several counties.

**SECTION 8. Aid to local governments.**—State funds may be appropriated to the several counties, school districts, municipalities or special districts upon such conditions as may be provided by general law. These conditions may include the use of relative ad valorem assessment levels determined by a state agency designated by general law.

**History.**—Am. S.J.R. 4-E, 1980; adopted 1980.

**SECTION 9. Local taxes.—**

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are

owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

**History.**—Am. S.J.R. 1061, 1975; adopted 1976.

**SECTION 10. Pledging credit.**—Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with, or stockholder of, or give, lend or use its taxing power or credit to aid any corporation, association, partnership or person; but this shall not prohibit laws authorizing:

(a) the investment of public trust funds;  
 (b) the investment of other public funds in obligations of, or insured by, the United States or any of its instrumentalities;

(c) the issuance and sale by any county, municipality, special district or other local governmental body of (1) revenue bonds to finance or refinance the cost of capital projects for airports or port facilities, or (2) revenue bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants to the extent that the interest thereon is exempt from income taxes under the then existing laws of the United States, when, in either case, the revenue bonds are payable solely from revenue derived from the sale, operation or leasing of the projects. If any project so financed, or any part thereof, is occupied or operated by any private corporation, association, partnership or person pursuant to contract or lease with the issuing body, the property interest created by such contract or lease shall be subject to taxation to the same extent as other privately owned property.

(d) a municipality, county, special district, or agency of any of them, being a joint owner of, giving, or lending or using its taxing power or credit for the joint ownership, construction and operation of electrical energy generating or transmission facilities with any corporation, association, partnership or person.

**History.**—Am. H.J.R. 1424, 1973; adopted 1974.

**SECTION 11. State bonds; revenue bonds.—**

(a) State bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of state fixed capital outlay projects authorized by law, and purposes incidental thereto, upon approval by a vote of the electors; provided state bonds issued pursuant to this subsection may be refunded without a vote of the electors at a lower net average interest cost rate. The total outstanding principal of

state bonds issued pursuant to this subsection shall never exceed fifty percent of the total tax revenues of the state for the two preceding fiscal years, excluding any tax revenues held in trust under the provisions of this constitution.

(b) Moneys sufficient to pay debt service on state bonds as the same becomes due shall be appropriated by law.

(c) Any state bonds pledging the full faith and credit of the state issued under this section or any other section of this constitution may be combined for the purposes of sale.

(d) Revenue bonds may be issued by the state or its agencies without a vote of the electors to finance or refinance the cost of state fixed capital outlay projects authorized by law, and purposes incidental thereto, and shall be payable solely from funds derived directly from sources other than state tax revenues.

(e) Bonds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.

(f) Each project, building, or facility to be financed or refinanced with revenue bonds issued under this section shall first be approved by the Legislature by an act relating to appropriations or by general law.

**History.**—Am. C.S. for C.S. for S.J.R. 612, 1984; adopted 1984; Am. proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 12. Local bonds.**—Counties, school districts, municipalities, special districts and local governmental bodies with taxing powers may issue bonds, certificates of indebtedness or any form of tax anticipation certificates, payable from ad valorem taxation and maturing more than twelve months after issuance only:

(a) to finance or refinance capital projects authorized by law and only when approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation; or

(b) to refund outstanding bonds and interest and redemption premium thereon at a lower net average interest cost rate.

**SECTION 13. Relief from illegal taxes.**—Until payment of all taxes which have been legally assessed upon the property of the same owner, no court shall grant relief from the pay-

ment of any tax that may be illegal or illegally assessed.

**SECTION 14. Bonds for pollution control and abatement and other water facilities.**—

(a) When authorized by law, state bonds pledging the full faith and credit of the state may be issued without an election to finance the construction of air and water pollution control and abatement and solid waste disposal facilities and other water facilities authorized by general law (herein referred to as “facilities”) to be operated by any municipality, county, district or authority, or any agency thereof (herein referred to as “local governmental agencies”), or by any agency of the State of Florida. Such bonds shall be secured by a pledge of and shall be payable primarily from all or any part of revenues to be derived from operation of such facilities, special assessments, rentals to be received under lease-purchase agreements herein provided for, any other revenues that may be legally available for such purpose, including revenues from other facilities, or any combination thereof (herein collectively referred to as “pledged revenues”), and shall be additionally secured by the full faith and credit of the State of Florida.

(b) No such bonds shall be issued unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the pledged revenues exceed seventy-five per cent of the pledged revenues.

(c) The state may lease any of such facilities to any local governmental agency, under lease-purchase agreements for such periods and under such other terms and conditions as may be mutually agreed upon. The local governmental agencies may pledge the revenues derived from such leased facilities or any other available funds for the payment of rentals thereunder; and, in addition, the full faith and credit and taxing power of such local governmental agencies may be pledged for the payment of such rentals without any election of freeholder electors or qualified electors.

(d) The state may also issue such bonds for the purpose of loaning money to local governmental agencies, for the construction of such facilities to be owned or operated by any of such local governmental agencies. Such loans shall bear interest at not more than one-half of one per cent per annum greater than the last preceding issue of state bonds pursuant to this section, shall be secured by the pledged revenues,

and may be additionally secured by the full faith and credit of the local governmental agencies.

(e) The total outstanding principal of state bonds issued pursuant to this section 14 shall never exceed fifty per cent of the total tax revenues of the state for the two preceding fiscal years.

**History.**—C.S. for H.J.R.'s 3853, 4040, 1970; adopted 1970; Am. H.J.R. 1471, 1980; adopted 1980.

**SECTION 15. Revenue bonds for scholarship loans.—**

(a) When authorized by law, revenue bonds may be issued to establish a fund to make loans to students determined eligible as prescribed by law and who have been admitted to attend any public or private institutions of higher learning, junior colleges, health related training institutions, or vocational training centers, which are recognized or accredited under terms and conditions prescribed by law. Revenue bonds issued pursuant to this section shall be secured by a pledge of and shall be payable primarily from payments of interest, principal, and handling charges to such fund from the recipients of the loans and, if authorized by law, may be additionally secured by student fees and by any other moneys in such fund. There shall be established from the proceeds of each issue of revenue bonds a reserve account in an amount equal to and sufficient to pay the greatest amount of principal, interest, and handling charges to become due on such issue in any ensuing state fiscal year.

(b) Interest moneys in the fund established pursuant to this section, not required in any fiscal year for payment of debt service on then outstanding revenue bonds or for maintenance of the reserve account, may be used for educational loans to students determined to be eligible therefor in the manner provided by law, or for such other related purposes as may be provided by law.

**History.**—Added, H.J.R. 46-D, 1971; adopted 1972.

**SECTION 16. Bonds for housing and related facilities.—**

(a) When authorized by law, revenue bonds may be issued without an election to finance or refinance housing and related facilities in Florida, herein referred to as "facilities."

(b) The bonds shall be secured by a pledge of and shall be payable primarily from all or any part of revenues to be derived from the financing, operation or sale of such facilities, mortgage or loan payments, and any other revenues or assets that may be legally available for such purposes derived from sources other than ad val-

orem taxation, including revenues from other facilities, or any combination thereof, herein collectively referred to as "pledged revenues," provided that in no event shall the full faith and credit of the state be pledged to secure such revenue bonds.

(c) No bonds shall be issued unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the same pledged revenues exceed the pledged revenues available for payment of such debt service requirements, as defined by law.

**History.**—Added, S.J.R. 6-E, 1980; adopted 1980. cf.—s. 18, Art. XII Schedule.

**SECTION 17. Bonds for acquiring transportation right-of-way or for constructing bridges.—**

(a) When authorized by law, state bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, to finance or refinance the cost of acquiring real property or the rights to real property for state roads as defined by law, or to finance or refinance the cost of state bridge construction, and purposes incidental to such property acquisition or state bridge construction.

(b) Bonds issued under this section shall be secured by a pledge of and shall be payable primarily from motor fuel or special fuel taxes, except those defined in Section 9(c) of Article XII, as provided by law, and shall additionally be secured by the full faith and credit of the state.

(c) No bonds shall be issued under this section unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the same pledged revenues exceed ninety percent of the pledged revenues available for payment of such debt service requirements, as defined by law. For the purposes of this subsection, the term "pledged revenues" means all revenues pledged to the payment of debt service, excluding any pledge of the full faith and credit of the state.

**History.**—Added, C.S. for C.S. for S.J.R. 391, 1988; adopted 1988.

**SECTION 18. Laws requiring counties or municipalities to spend funds or limiting their ability to raise revenue or receive state tax revenue.—**

(a) No county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the leg-

islature has determined that such law fulfills an important state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

(b) Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989.

(c) Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the percentage of a state tax shared with counties and municipalities as an aggregate on February 1, 1989. The provisions of this subsection shall not apply to enhancements enacted after February 1, 1989, to state tax sources, or during a fiscal emergency declared in a written joint proclamation issued by the president of the senate and the speaker of the house of representatives, or where the legislature provides additional state-shared revenues which are anticipated to be sufficient to replace the anticipated aggregate loss of state-shared revenues resulting from the reduction of the percentage of the state tax shared with counties and municipalities, which source of replacement revenues shall be subject to the same requirements for repeal or modification as provided herein for a state-shared tax source existing on February 1, 1989.

(d) Laws adopted to require funding of pension benefits existing on the effective date of this section, criminal laws, election laws, the general

appropriations act, special appropriations acts, laws reauthorizing but not expanding then-existing statutory authority, laws having insignificant fiscal impact, and laws creating, modifying, or repealing noncriminal infractions, are exempt from the requirements of this section.

(e) The legislature may enact laws to assist in the implementation and enforcement of this section.

**History.**—Added, C.S. for C.S. for C.S. for H.J.R.'s 139, 40, 1989; adopted 1990.

## ARTICLE VIII

### LOCAL GOVERNMENT

Sec.

1. Counties.
2. Municipalities.
3. Consolidation.
4. Transfer of powers.
5. Local option.
6. Schedule to Article VIII.

#### SECTION 1. Counties.—

(a) **POLITICAL SUBDIVISIONS.** The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) **COUNTY FUNDS.** The care, custody and method of disbursing county funds shall be provided by general law.

(c) **GOVERNMENT.** Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) **COUNTY OFFICERS.** There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

(e) **COMMISSIONERS.** Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) **NON-CHARTER GOVERNMENT.** Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) **CHARTER GOVERNMENT.** Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) **TAXES; LIMITATION.** Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) **COUNTY ORDINANCES.** Each county ordinance shall be filed with the custodian of state records and shall become effective at such time thereafter as is provided by general law.

(j) **VIOLATION OF ORDINANCES.** Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) **COUNTY SEAT.** In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded until filed at the county seat, or a branch office designated by the governing body of the county for the recording of instruments, according to law.

**History.**—Am. H.J.R. 1907, 1973; adopted 1974; Am. H.J.R. 452, 1984; adopted 1984; Am. H.J.R. 125, 1998; adopted 1998; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

## **SECTION 2. Municipalities.—**

(a) **ESTABLISHMENT.** Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.

(b) **POWERS.** Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

(c) **ANNEXATION.** Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

**SECTION 3. Consolidation.**—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. The consolidation plan may be proposed only by special law, which shall become effective if approved by vote of the electors of the county, or of the county and municipalities affected, as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payment of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

**SECTION 4. Transfer of powers.**—By law or by resolution of the governing bodies of each of the governments affected, any function or power of a county, municipality or special district may be transferred to or contracted to be performed by another county, municipality or special district, after approval by vote of the electors of the transferor and approval by vote of the electors of the transferee, or as otherwise provided by law.

## **SECTION 5. Local option.—**

(a) Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five per cent of

the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beers shall be regulated by law.

(b) Each county shall have the authority to require a criminal history records check and a 3 to 5-day waiting period, excluding weekends and legal holidays, in connection with the sale of any firearm occurring within such county. For purposes of this subsection, the term "sale" means the transfer of money or other valuable consideration for any firearm when any part of the transaction is conducted on property to which the public has the right of access. Holders of a concealed weapons permit as prescribed by general law shall not be subject to the provisions of this subsection when purchasing a firearm.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 12, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

#### **SECTION 6. Schedule to Article VIII.—**

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) **COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS.** The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) **OFFICERS TO CONTINUE IN OFFICE.** Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) **ORDINANCES.** Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) **CONSOLIDATION AND HOME RULE.** Article VIII, Sections '9, '10, '11 and '24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of

the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to <sup>3</sup>Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said <sup>3</sup>Article VIII, Section 11, of the Constitution of 1885, as amended.

(f) **DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES.** To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) **DELETION OF OBSOLETE SCHEDULE ITEMS.** The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

**Note.**—Section 9 of Art. VIII of the Constitution of 1885, as amended, reads as follows:

**SECTION 9.** Legislative power over city of Jacksonville and Duval County.—The Legislature shall have power to establish, alter or abolish, a Municipal corporation to be known as the City of Jacksonville, extending territorially throughout the present limits of Duval County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its boards, bodies and officers; to divide the territory included in such municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts; and to fix the liability of such municipality and districts. Bonded and other indebtedness, existing at the time of the establishment of such municipality, shall be enforceable only against property theretofore taxable therefor. The Legislature shall, from time to time, determine what portion of said municipality is a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Such municipality may exercise all the powers of a municipal corporation and shall also be recognized as one of the legal political divisions of the State with the duties and obligations of a county and shall be entitled to all the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county. All property of Duval County and of the municipalities in said county shall vest in such municipal corporation when established as herein provided. The offices of Clerk of the Circuit Court and Sheriff shall not be abolished but the Legislature may prescribe the time when, and the method by which, such offices shall be filled and the compensation to be paid to such officers and may vest in them additional powers and duties. No county office shall be abolished or consolidated with another office without making provision for the performance of all State duties now or hereafter prescribed by law to be performed by such county officer. Nothing contained herein shall affect Section 20 of Article III of the Constitution of the State of Florida, except as to such provisions therein as relate to regulating the jurisdiction and duties of any class of officers, to summoning and impanelling grand and petit jurors, to assessing and collecting taxes for county purposes and to regulating the fees and compensation of county officers. No law authorizing the establishing or abolishing of such Municipal corporation pursuant to this Section, shall become operative or effective until approved by a majority of the qualified electors participating in an election held in said County, but so long as such Municipal corporation exists under this Section the Legislature may amend or extend the law authorizing the same without referendum

to the qualified voters unless the Legislative act providing for such amendment or extension shall provide for such referendum.

**History.**—Added, S.J.R. 113, 1933; adopted 1934.

**Note.**—Section 10, Art. VIII of the Constitution of 1885, as amended, reads as follows:

**SECTION 10.** Legislative power over city of Key West and Monroe county.—The Legislature shall have power to establish, alter or abolish, a Municipal corporation to be known as the City of Key West, extending territorially throughout the present limits of Monroe County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its boards, bodies and officers; to divide the territory included in such municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts; and to fix the liability of such municipality and districts. Bonded and other indebtedness, existing at the time of the establishment of such municipality, shall be enforceable only against property theretofore taxable therefor. The Legislature shall, from time to time, determine what portion of said municipality is a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Such municipality may exercise all the powers of a municipal corporation and shall also be recognized as one of the legal political divisions of the State with the duties and obligations of a county and shall be entitled to all the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county. All property of Monroe County and of the municipality in said county shall vest in such municipal corporation when established as herein provided. The offices of Clerk of the Circuit Court and Sheriff shall not be abolished but the Legislature may prescribe the time when, and the method by which, such offices shall be filled and the compensation to be paid to such officers and may vest in them additional powers and duties. No county office shall be abolished or consolidated with another office without making provision for the performance of all State duties now or hereafter prescribed by law to be performed by such county officer. Nothing contained herein shall affect Section 20 of Article III of the Constitution of the State of Florida, except as to such provisions therein as relate to regulating the jurisdiction and duties of any class of officers, to summoning and impaneling grand and petit juries, to assessing and collecting taxes for county purposes and to regulating the fees and compensation of county officers. No law authorizing the establishing or abolishing of such Municipal corporation pursuant to this Section shall become operative or effective until approved by a majority of the qualified electors participating in an election held in said County, but so long as such Municipal corporation exists under this Section the Legislature may amend or extend the law authorizing the same without referendum to the qualified voters unless the Legislative Act providing for such amendment or extension shall provide for such referendum.

**History.**—Added, S.J.R. 429, 1935; adopted 1936.

**Note.**—Section 11 of Art. VIII of the Constitution of 1885, as amended, reads as follows:

**SECTION 11.** Dade County, home rule charter.—(1) The electors of Dade County, Florida, are granted power to adopt, revise, and amend from time to time a home rule charter of government for Dade County, Florida, under which the Board of County Commissioners of Dade County shall be the governing body. This charter:

(a) Shall fix the boundaries of each county commission district, provide a method for changing them from time to time, and fix the number, terms and compensation of the commissioners, and their method of election.

(b) May grant full power and authority to the Board of County Commissioners of Dade County to pass ordinances relating to the affairs, property and government of Dade County and provide suitable penalties for the violation thereof; to levy and collect such taxes as may be authorized by general law and no other taxes, and to do everything necessary to carry on a central metropolitan government in Dade County.

(c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.

(d) May provide a method by which any and all of the functions or powers of any municipal corporation or other governmental unit in Dade County may be transferred to the Board of County Commissioners of Dade County.

(e) May provide a method for establishing new municipal corporations, special taxing districts, and other governmental units in Dade County from time to time and provide for their government and prescribe their jurisdiction and powers.

(f) May abolish and may provide a method for abolishing from time to time all offices provided for by Article VIII, Section 6, of the Constitution or by the Legislature, except the Superintendent of Public Instruction and may provide for the consolidation and transfer of the functions of such offices, provided, however, that there shall be no power to abolish or impair the jurisdiction of the Circuit Court or to abolish any other court provided for by this Constitution or by general law, or the judges or clerks thereof although such charter may create new courts and judges and clerks thereof with jurisdiction to try all offenses against ordinances passed by the Board of County Commissioners of Dade County and none of the other courts provided for by this Constitution or by general law shall have original jurisdiction to try such offenses, although the charter may confer appellate jurisdiction on such courts, and provided further that if said home rule charter shall abolish any county office or offices as authorized herein, that said charter shall contain adequate provision for the carrying on of all functions of said office or offices as are now or may hereafter be prescribed by general law.

(g) Shall provide a method by which each municipal corporation in Dade County shall have the power to make, amend or repeal its own charter. Upon adoption of this home rule charter by the electors this method shall be exclusive and the Legislature shall have no power to amend or repeal the charter of any municipal corporation in Dade County.

(h) May change the name of Dade County.

(i) Shall provide a method for the recall of any commissioner and a method for initiative and referendum, including the initiation of and referendum on ordinances and the amendment or revision of the home rule charter, provided, however, that the power of the Governor and Senate relating to the suspension and removal of officers provided for in this Constitution shall not be impaired, but shall extend to all officers provided for in said home rule charter.

(2) Provision shall be made for the protection of the creditors of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

(3) This home rule charter shall be prepared by a Metropolitan Charter Board created by the Legislature and shall be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Until a home rule charter is adopted the Legislature may from time to time create additional Charter Boards to prepare charters to be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Such Charter, once adopted by the electors, may be amended only by the electors of Dade County and this charter shall provide a method for submitting future charter revisions and amendments to the electors of Dade County.

(4) The County Commission shall continue to receive its pro rata share of all revenues payable by the state from whatever source to the several counties and the state of Florida shall pay to the Commission all revenues which would have been paid to any municipality in Dade County which may be abolished by or in the method provided by this home rule charter; provided, however, the Commission shall reimburse the comptroller of Florida for the expense incurred if any, in the keeping of separate records to determine the amounts of money which would have been payable to any such municipality.

(5) Nothing in this section shall limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties in the state of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida, and the home rule charter provided for herein shall not conflict with any provision of this Constitution nor of any applicable general laws now applying to Dade County and any other one or more counties of the State of Florida except as expressly authorized in this section nor shall any ordinance enacted in pursuance to said home rule charter conflict with this Constitution or any such applicable general law except as expressly authorized herein, nor shall the charter of any municipality in Dade County conflict with this Constitution or any such applicable general law except as expressly authorized herein, provided however that said charter and said ordinances enacted in pursuance thereof may conflict with, modify or nullify any existing local, special or general law applicable only to Dade County.

(6) Nothing in this section shall be construed to limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties of the state of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida relating to county or municipal affairs and all such general laws shall apply to Dade County and to all municipalities therein to the same extent as if this section had not been adopted and such general laws shall supersede any part or portion of the home rule charter provided for herein in conflict therewith and shall

supersede any provision of any ordinance enacted pursuant to said charter and in conflict therewith, and shall supersede any provision of any charter of any municipality in Dade County in conflict therewith.

(7) Nothing in this section shall be construed to limit or restrict the power and jurisdiction of the Railroad and Public Utilities Commission or of any other state agency, bureau or commission now or hereafter provided for in this Constitution or by general law and said state agencies, bureaus and commissions shall have the same powers in Dade County as shall be conferred upon them in regard to other counties.

(8) If any section, subsection, sentence, clause or provisions of this section is held invalid as violative of the provisions of Section 1 Article XVII of this Constitution the remainder of this section shall not be affected by such invalidity.

(9) It is declared to be the intent of the Legislature and of the electors of the State of Florida to provide by this section home rule for the people of Dade County in local affairs and this section shall be liberally construed to carry out such purpose, and it is further declared to be the intent of the Legislature and of the electors of the State of Florida that the provisions of this Constitution and general laws which shall relate to Dade County and any other one or more counties of the State of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida enacted pursuant thereto by the Legislature shall be the supreme law in Dade County, Florida, except as expressly provided herein and this section shall be strictly construed to maintain such supremacy of this Constitution and of the Legislature in the enactment of general laws pursuant to this Constitution.

**History.**—Added, H.J.R. 858, 1941; adopted 1942; Am. S.J.R. 1046, 1955; adopted 1956.

**Note.**—Section 24 of Art. VIII of the Constitution of 1885, as amended, reads as follows:

SECTION 24. Hillsborough County, home rule charter.—

(1) The electors of Hillsborough county are hereby granted the power to adopt a charter for a government which shall exercise any and all powers for county and municipal purposes which this constitution or the legislature, by general, special or local law, has conferred upon Hillsborough county or any municipality therein. Such government shall exercise these powers by the enactment of ordinances which relate to government of Hillsborough county and provide suitable penalties for the violation thereof. Such government shall have no power to create or abolish any municipality, except as otherwise provided herein.

(2) The method and manner by which the electors of Hillsborough county shall exercise this power shall be set forth in a charter for the government of Hillsborough county which charter shall be presented to said electors by any charter commission established by the legislature. The legislature may provide for the continuing existence of any charter commission or may establish a charter commission or commissions subsequent to any initial commission without regard to any election or elections held upon any charter or charters theretofore presented. A charter shall become effective only upon ratification by a majority of the electors of Hillsborough county voting in a general or special election as provided by law.

(3) The number, qualifications, terms of office and method of filling vacancies in the membership of any charter commission established pursuant to this section and the powers, functions and duties of any such commission shall be provided by law.

(4) A charter prepared by any commission established pursuant to this section shall provide that:

(a) The governments of the city of Tampa and the county of Hillsborough shall be consolidated, and the structure of the new local government shall include:

1. An executive branch, the chief officer of which shall be responsible for the administration of government.

2. An elected legislative branch, the election to membership, powers and duties of which shall be as provided by the charter.

3. A judicial branch, which shall only have jurisdiction in the enforcement of ordinances enacted by the legislative branch created by this section.

(b) Should the electors of the municipalities of Plant City or Temple Terrace wish to consolidate their governments with the government hereinabove created, they may do so by majority vote of the electors of said municipality voting in an election upon said issue.

(c) The creditors of any governmental unit consolidated or abolished under this section shall be protected. Bonded or other indebtedness existing at the effective date of any government established hereunder shall be enforceable only against the real and personal property theretofore taxable for such purposes.

(d) Such other provisions as might be required by law.

(5) The provisions of such charter and ordinances enacted pursuant thereto shall not conflict with any provision of this constitution nor with general, special or local laws now or hereafter applying to Hillsborough county.

(6) The government established hereunder shall be recognized as a county, that is one of the legal political subdivisions of the state with the powers, rights, privileges, duties and obligations of a county, and may also exercise all the powers of a municipality. Said government shall have the right to sue and be sued.

(7) Any government established hereunder shall be entitled to receive from the state of Florida or from the United States or from any other agency, public or private, funds and revenues to which a county is, or may hereafter be entitled, and also all funds and revenues to which an incorporated municipality is or may hereafter be entitled, and to receive the same without diminution or loss by reason of any such government as may be established. Nothing herein contained shall preclude such government as may be established hereunder from receiving all funds and revenues from whatever source now received, or hereinafter received provided by law.

(8) The board of county commissioners of Hillsborough county shall be abolished when the functions, duties, powers and responsibilities of said board shall be transferred in the manner to be provided by the charter to the government established pursuant to this section. No other office provided for by this constitution shall be abolished by or pursuant to this section.

(9) This section shall not restrict or limit the legislature in the enactment of general, special or local laws as otherwise provided in this constitution.

**History.**—Added, C.S. for H.J.R. 1987, 1965; adopted 1966.

## ARTICLE IX

### EDUCATION

Sec.

1. Public education.
2. State board of education.
3. Terms of appointive board members.
4. School districts; school boards.
5. Superintendent of schools.
6. State school fund.
7. State University System.

#### SECTION 1. Public education.—

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2010 school year, there are a sufficient number of classrooms so that:

(1) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students;

(2) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and

(3) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.

The class size requirements of this subsection do not apply to extracurricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local schools districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the average number of students in each classroom by at least two students per year until the maximum number of students per classroom does not exceed the requirements of this subsection.

(b) Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

(c) The early childhood education and development programs provided by reason of subparagraph (b) shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education, health, and development programs are those funded by the State as of January 1, 2002 that provided for child or adult education, health care, or development.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 6, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Ams. by Initiative Petitions filed with the Secretary of State July 30, 2002, and August 1, 2002; adopted 2002.

#### **SECTION 2. State board of education.—**

The state board of education shall be a body corporate and have such supervision of the system

of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 3. Terms of appointive board members.**—Members of any appointive board dealing with education may serve terms in excess of four years as provided by law.

#### **SECTION 4. School districts; school boards.—**

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 5. Superintendent of schools.**—In each school district there shall be a superintendent of schools who shall be elected at the general election in each year the number of which is a multiple of four for a term of four years; or, when provided by resolution of the district school board, or by special law, approved by vote of the electors, the district school superintendent in any school district shall be employed by the district school board as provided by general law. The resolution or special law may be rescinded or repealed by either procedure after four years.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 6. State school fund.**—The income derived from the state school fund shall, and the principal of the fund may, be appropriated, but only to the support and maintenance of free public schools.

#### **SECTION 7. State University System.—**

(a) **PURPOSES.** In order to achieve excellence through teaching students, advanc-

ing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.

(b) STATE UNIVERSITY SYSTEM. There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members.

(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board.

**History.**—Proposed by Initiative Petition filed with the Secretary of State August 6, 2002; adopted 2002.

## ARTICLE X

### MISCELLANEOUS

Sec.

1. Amendments to United States Constitution.
2. Militia.
3. Vacancy in office.
4. Homestead; exemptions.
5. Coverture and property.
6. Eminent domain.
7. Lotteries.
8. Census.
9. Repeal of criminal statutes.
10. Felony; definition.
11. Sovereignty lands.
12. Rules of construction.
13. Suits against the state.
14. State retirement systems benefit changes.
15. State operated lotteries.
16. Limiting marine net fishing.
17. Everglades Trust Fund.
18. Disposition of conservation lands.
19. High speed ground transportation system.
20. Workplaces without tobacco smoke.
21. Limiting cruel and inhumane confinement of pigs during pregnancy.
22. Parental notice of termination of a minor's pregnancy.
23. Slot machines.
24. Florida minimum wage.
25. Patients' right to know about adverse medical incidents.
26. Prohibition of medical license after repeated medical malpractice.

**SECTION 1. Amendments to United States Constitution.**—The legislature shall not take action on any proposed amendment to the constitution of the United States unless a majority of the members thereof have been elected after the proposed amendment has been submitted for ratification.

#### SECTION 2. Militia.—

(a) The militia shall be composed of all able-bodied inhabitants of the state who are or have declared their intention to become citizens of the United States; and no person because of religious creed or opinion shall be exempted from military duty except upon conditions provided by law.

(b) The organizing, equipping, housing, maintaining, and disciplining of the militia, and

the safekeeping of public arms may be provided for by law.

(c) The governor shall appoint all commissioned officers of the militia, including an adjutant general who shall be chief of staff. The appointment of all general officers shall be subject to confirmation by the senate.

(d) The qualifications of personnel and officers of the federally recognized national guard, including the adjutant general, and the grounds and proceedings for their discipline and removal shall conform to the appropriate United States army or air force regulations and usages.

**SECTION 3. Vacancy in office.**—Vacancy in office shall occur upon the creation of an office, upon the death, removal from office, or resignation of the incumbent or the incumbent's succession to another office, unexplained absence for sixty consecutive days, or failure to maintain the residence required when elected or appointed, and upon failure of one elected or appointed to office to qualify within thirty days from the commencement of the term.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 4. Homestead; exemptions.**—

(a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by a natural person:

(1) a homestead, if located outside a municipality, to the extent of one hundred sixty acres of contiguous land and improvements thereon, which shall not be reduced without the owner's consent by reason of subsequent inclusion in a municipality; or if located within a municipality, to the extent of one-half acre of contiguous land, upon which the exemption shall be limited to the residence of the owner or the owner's family;

(2) personal property to the value of one thousand dollars.

(b) These exemptions shall inure to the surviving spouse or heirs of the owner.

(c) The homestead shall not be subject to devise if the owner is survived by spouse or minor child, except the homestead may be devised to the owner's spouse if there be no minor child. The owner of homestead real estate, joined by the spouse if married, may alienate the homestead by mortgage, sale or gift and, if mar-

ried, may by deed transfer the title to an estate by the entirety with the spouse. If the owner or spouse is incompetent, the method of alienation or encumbrance shall be as provided by law.

**History.**—Am. H.J.R. 4324, 1972; adopted 1972; Am. H.J.R. 40, 1983; adopted 1984; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 5. Coverture and property.**—

There shall be no distinction between married women and married men in the holding, control, disposition, or encumbering of their property, both real and personal; except that dower or curtesy may be established and regulated by law.

**SECTION 6. Eminent domain.**—

(a) No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) Provision may be made by law for the taking of easements, by like proceedings, for the drainage of the land of one person over or through the land of another.

**SECTION 7. Lotteries.**—Lotteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state.

**SECTION 8. Census.**—

(a) Each decennial census of the state taken by the United States shall be an official census of the state.

(b) Each decennial census, for the purpose of classifications based upon population, shall become effective on the thirtieth day after the final adjournment of the regular session of the legislature convened next after certification of the census.

**SECTION 9. Repeal of criminal statutes.**—Repeal or amendment of a criminal statute shall not affect prosecution or punishment for any crime previously committed.

**SECTION 10. Felony; definition.**—The term "felony" as used herein and in the laws of this state shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or by imprisonment in the state penitentiary.

**SECTION 11. Sovereignty lands.**—The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its

sovereignty, in trust for all the people. Sale of such lands may be authorized by law, but only when in the public interest. Private use of portions of such lands may be authorized by law, but only when not contrary to the public interest.

**History.**—Amn. H.J.R. 792, 1970; adopted 1970.

**SECTION 12. Rules of construction.**—Unless qualified in the text the following rules of construction shall apply to this constitution.

- (a) “Herein” refers to the entire constitution.
- (b) The singular includes the plural.
- (c) The masculine includes the feminine.
- (d) “Vote of the electors” means the vote of the majority of those voting on the matter in an election, general or special, in which those participating are limited to the electors of the governmental unit referred to in the text.
- (e) Vote or other action of a legislative house or other governmental body means the vote or action of a majority or other specified percentage of those members voting on the matter. “Of the membership” means “of all members thereof.”
- (f) The terms “judicial office,” “justices” and “judges” shall not include judges of courts established solely for the trial of violations of ordinances.
- (g) “Special law” means a special or local law.
- (h) Titles and subtitles shall not be used in construction.

**SECTION 13. Suits against the state.**—Provision may be made by general law for bringing suit against the state as to all liabilities now existing or hereafter originating.

**SECTION 14. State retirement systems benefit changes.**—A governmental unit responsible for any retirement or pension system supported in whole or in part by public funds shall not after January 1, 1977, provide any increase in the benefits to the members or beneficiaries of such system unless such unit has made or concurrently makes provision for the funding of the increase in benefits on a sound actuarial basis.

**History.**—Added, H.J.R. 291, 1975; adopted 1976.

**SECTION 15. State operated lotteries.**—

- (a) Lotteries may be operated by the state.
- (b) If any subsection or subsections of the amendment to the Florida Constitution are held unconstitutional for containing more than one subject, this amendment shall be limited to subsection (a) above.
- (c) This amendment shall be implemented as follows:

- (1) Schedule—On the effective date of this amendment, the lotteries shall be known as the Florida Education Lotteries. Net proceeds derived from the lotteries shall be deposited to a state trust fund, to be designated The State Education Lotteries Trust Fund, to be appropriated by the Legislature. The schedule may be amended by general law.

**History.**—Proposed by Initiative Petition filed with the Secretary of State June 10, 1985; adopted 1986.

**SECTION 16. Limiting marine net fishing.**—

- (a) The marine resources of the State of Florida belong to all of the people of the state and should be conserved and managed for the benefit of the state, its people, and future generations. To this end the people hereby enact limitations on marine net fishing in Florida waters to protect saltwater finfish, shellfish, and other marine animals from unnecessary killing, overfishing and waste.

- (b) For the purpose of catching or taking any saltwater finfish, shellfish or other marine animals in Florida waters:

- (1) No gill nets or other entangling nets shall be used in any Florida waters; and

- (2) In addition to the prohibition set forth in (1), no other type of net containing more than 500 square feet of mesh area shall be used in nearshore and inshore Florida waters. Additionally, no more than two such nets, which shall not be connected, shall be used from any vessel, and no person not on a vessel shall use more than one such net in nearshore and inshore Florida waters.

- (c) For purposes of this section:

- (1) “gill net” means one or more walls of netting which captures saltwater finfish by ensnaring or entangling them in the meshes of the net by the gills, and “entangling net” means a drift net, trammell net, stab net, or any other net which captures saltwater finfish, shellfish, or other marine animals by causing all or part of heads, fins, legs, or other body parts to become entangled or ensnared in the meshes of the net, but a hand thrown cast net is not a gill net or an entangling net;

- (2) “mesh area” of a net means the total area of netting with the meshes open to comprise the maximum square footage. The square footage shall be calculated using standard mathematical formulas for geometric shapes. Seines and other rectangular nets shall be calculated using the maximum length and maximum width of the netting. Trawls and other bag type nets shall be calculated as a cone using the maxi-

mum circumference of the net mouth to derive the radius, and the maximum length from the net mouth to the tail end of the net to derive the slant height. Calculations for any other nets or combination type nets shall be based on the shapes of the individual components;

(3) "coastline" means the territorial sea base line for the State of Florida established pursuant to the laws of the United States of America;

(4) "Florida waters" means the waters of the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida, and any other bodies of water under the jurisdiction of the State of Florida, whether coastal, intracoastal or inland, and any part thereof; and

(5) "nearshore and inshore Florida waters" means all Florida waters inside a line three miles seaward of the coastline along the Gulf of Mexico and inside a line one mile seaward of the coastline along the Atlantic Ocean.

(d) This section shall not apply to the use of nets for scientific research or governmental purposes.

(e) Persons violating this section shall be prosecuted and punished pursuant to the penalties provided in section 370.021(2)(a),(b),(c)6. and 7., and (e), Florida Statutes (1991), unless and until the legislature enacts more stringent penalties for violations hereof. On and after the effective date of this section, law enforcement officers in the state are authorized to enforce the provisions of this section in the same manner and authority as if a violation of this section constituted a violation of Chapter 370, Florida Statutes (1991).

(f) It is the intent of this section that implementing legislation is not required for enforcing any violations hereof, but nothing in this section prohibits the establishment by law or pursuant to law of more restrictions on the use of nets for the purpose of catching or taking any saltwater finfish, shellfish, or other marine animals.

(g) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

(h) This section shall take effect on the July 1 next occurring after approval hereof by vote of the electors.

**History.**—Proposed by Initiative Petition filed with the Secretary of State October 2, 1992; adopted 1994.

#### **SECTION 17. Everglades Trust Fund.—**

(a) There is hereby established the Everglades Trust Fund, which shall not be sub-

ject to termination pursuant to Article III, Section 19(f). The purpose of the Everglades Trust Fund is to make funds available to assist in conservation and protection of natural resources and abatement of water pollution in the Everglades Protection Area and the Everglades Agricultural Area. The trust fund shall be administered by the South Florida Water Management District, or its successor agency, consistent with statutory law.

(b) The Everglades Trust Fund may receive funds from any source, including gifts from individuals, corporations or other entities; funds from general revenue as determined by the Legislature; and any other funds so designated by the Legislature, by the United States Congress or by any other governmental entity.

(c) Funds deposited to the Everglades Trust Fund shall be expended for purposes of conservation and protection of natural resources and abatement of water pollution in the Everglades Protection Area and Everglades Agricultural Area.

(d) For purposes of this subsection, the terms "Everglades Protection Area," "Everglades Agricultural Area" and "South Florida Water Management District" shall have the meanings as defined in statutes in effect on January 1, 1996.

**History.**—Proposed by Initiative Petition filed with the Secretary of State March 26, 1996; adopted 1996.

**SECTION 18. Disposition of conservation lands.**—The fee interest in real property held by an entity of the state and designated for natural resources conservation purposes as provided by general law shall be managed for the benefit of the citizens of this state and may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a vote of two-thirds of the governing board.

**History.**—Proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 19. High speed ground transportation system.**—To reduce traffic congestion and provide alternatives to the traveling public, it is hereby declared to be in the public interest that a high speed ground transportation system consisting of a monorail, fixed guideway or magnetic levitation system, capable of speeds in excess of 120 miles per hour, be developed and operated in the State of Florida to provide high speed ground transportation by innovative, efficient and effective technologies consisting of dedicated rails or guideways separated from motor vehicular traffic that will link the five largest

urban areas of the State as determined by the Legislature and provide for access to existing air and ground transportation facilities and services. The Legislature, the Cabinet and the Governor are hereby directed to proceed with the development of such a system by the State and/or by a private entity pursuant to state approval and authorization, including the acquisition of right-of-way, the financing of design and construction of the system, and the operation of the system, as provided by specific appropriation and by law, with construction to begin on or before November 1, 2003.

**History.**—Proposed by Initiative Petition filed with the Secretary of State September 3, 1999; adopted 2000; Am. proposed by Initiative Petition filed with the Secretary of State February 18, 2004; adopted 2004.

**Note.**—This section was repealed effective January 4, 2005, by Am. proposed by Initiative Petition filed with the Secretary of State February 18, 2004; adopted 2004. See s. 5(e), Art. XI, State Constitution, for constitutional effective date.

## **SECTION 20. Workplaces without tobacco smoke.—**

(a) **PROHIBITION.** As a Florida health initiative to protect people from the health hazards of second-hand tobacco smoke, tobacco smoking is prohibited in enclosed indoor workplaces.

(b) **EXCEPTIONS.** As further explained in the definitions below, tobacco smoking may be permitted in private residences whenever they are not being used commercially to provide child care, adult care, or health care, or any combination thereof; and further may be permitted in retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments; and stand-alone bars. However, nothing in this section or in its implementing legislation or regulations shall prohibit the owner, lessee, or other person in control of the use of an enclosed indoor workplace from further prohibiting or limiting smoking therein.

(c) **DEFINITIONS.** For purposes of this section, the following words and terms shall have the stated meanings:

(1) “Smoking” means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.

(2) “Second-hand smoke,” also known as environmental tobacco smoke (ETS), means smoke emitted from lighted, smoldering, or burning tobacco when the smoker is not inhaling; smoke emitted at the mouthpiece during puff drawing; and smoke exhaled by the smoker.

(3) “Work” means any person’s providing any employment or employment-type service for or at the request of another individual or individ-

uals or any public or private entity, whether for compensation or not, whether full or part-time, whether legally or not. “Work” includes, without limitation, any such service performed by an employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant, volunteer, and the like.

(4) “Enclosed indoor workplace” means any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers, regardless of whether such barriers consist of or include uncovered openings, screened or otherwise partially covered openings; or open or closed windows, жалousies, doors, or the like. This section applies to all such enclosed indoor workplaces without regard to whether work is occurring at any given time.

(5) “Commercial” use of a private residence means any time during which the owner, lessee, or other person occupying or controlling the use of the private residence is furnishing in the private residence, or causing or allowing to be furnished in the private residence, child care, adult care, or health care, or any combination thereof, and receiving or expecting to receive compensation therefor.

(6) “Retail tobacco shop” means any enclosed indoor workplace dedicated to or predominantly for the retail sale of tobacco, tobacco products, and accessories for such products, in which the sale of other products or services is merely incidental.

(7) “Designated smoking guest rooms at public lodging establishments” means the sleeping rooms and directly associated private areas, such as bathrooms, living rooms, and kitchen areas, if any, rented to guests for their exclusive transient occupancy in public lodging establishments including hotels, motels, resort condominiums, transient apartments, transient lodging establishments, rooming houses, boarding houses, resort dwellings, bed and breakfast inns, and the like; and designated by the person or persons having management authority over such public lodging establishment as rooms in which smoking may be permitted.

(8) “Stand-alone bar” means any place of business devoted during any time of operation predominantly or totally to serving alcoholic beverages, intoxicating beverages, or intoxicating liquors, or any combination thereof, for consumption on the licensed premises; in which the serving of food, if any, is merely incidental to the consumption of any such beverage; and that is

not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace including any business for which the sale of food or any other product or service is more than an incidental source of gross revenue.

(d) **LEGISLATION.** In the next regular legislative session occurring after voter approval of this amendment, the Florida Legislature shall adopt legislation to implement this amendment in a manner consistent with its broad purpose and stated terms, and having an effective date no later than July 1 of the year following voter approval. Such legislation shall include, without limitation, civil penalties for violations of this section; provisions for administrative enforcement; and the requirement and authorization of agency rules for implementation and enforcement. Nothing herein shall preclude the Legislature from enacting any law constituting or allowing a more restrictive regulation of tobacco smoking than is provided in this section.

**History.**—Proposed by Initiative Petition filed with the Secretary of State May 10, 2002; adopted 2002.

**SECTION 21. Limiting cruel and inhumane confinement of pigs during pregnancy.**—Inhumane treatment of animals is a concern of Florida citizens. To prevent cruelty to certain animals and as recommended by The Humane Society of the United States, the people of the State of Florida hereby limit the cruel and inhumane confinement of pigs during pregnancy as provided herein.

(a) It shall be unlawful for any person to confine a pig during pregnancy in an enclosure, or to tether a pig during pregnancy, on a farm in such a way that she is prevented from turning around freely.

(b) This section shall not apply:

(1) when a pig is undergoing an examination, test, treatment or operation carried out for veterinary purposes, provided the period during which the animal is confined or tethered is not longer than reasonably necessary.

(2) during the prebirthing period.

(c) For purposes of this section:

(1) “enclosure” means any cage, crate or other enclosure in which a pig is kept for all or the majority of any day, including what is commonly described as the “gestation crate.”

(2) “farm” means the land, buildings, support facilities, and other appurtenances used in the production of animals for food or fiber.

(3) “person” means any natural person, corporation and/or business entity.

(4) “pig” means any animal of the porcine species.

(5) “turning around freely” means turning around without having to touch any side of the pig’s enclosure.

(6) “prebirthing period” means the seven day period prior to a pig’s expected date of giving birth.

(d) A person who violates this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082(4)(a), Florida Statutes (1999), as amended, or by a fine of not more than \$5000, or by both imprisonment and a fine, unless and until the legislature enacts more stringent penalties for violations hereof. On and after the effective date of this section, law enforcement officers in the state are authorized to enforce the provisions of this section in the same manner and authority as if a violation of this section constituted a violation of Section 828.13, Florida Statutes (1999). The confinement or tethering of each pig shall constitute a separate offense. The knowledge or acts of agents and employees of a person in regard to a pig owned, farmed or in the custody of a person, shall be held to be the knowledge or act of such person.

(e) It is the intent of this section that implementing legislation is not required for enforcing any violations hereof.

(f) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

(g) This section shall take effect six years after approval by the electors.

**History.**—Proposed by Initiative Petition filed with the Secretary of State August 5, 2002; adopted 2002.

**Note.**—This section, originally designated section 19 by Amendment No. 10, 2002, proposed by Initiative Petition filed with the Secretary of State August 5, 2002, adopted 2002, was redesignated section 21 by the editors in order to avoid confusion with already existing section 19, relating to the high speed ground transportation system, and section 20, relating to prohibiting workplace smoking, as contained in Amendment No. 6, proposed by Initiative Petition filed with the Secretary of State May 10, 2002, and adopted in 2002.

**SECTION 22. Parental notice of termination of a minor’s pregnancy.**—The Legislature shall not limit or deny the privacy right guaranteed to a minor under the United States Constitution as interpreted by the United States Supreme Court. Notwithstanding a minor’s right of privacy provided in Section 23 of Article I, the Legislature is authorized to require by general law for notification to a parent or guardian of a minor before the termination of the minor’s pregnancy. The Legislature shall provide exceptions to such requirement for notification and shall

create a process for judicial waiver of the notification.

**History.**—Added, H.J.R. 1, 2004; adopted 2004.

**SECTION 23. Slot machines.—**

(a) After voter approval of this constitutional amendment, the governing bodies of Miami-Dade and Broward Counties each may hold a county-wide referendum in their respective counties on whether to authorize slot machines within existing, licensed parimutuel facilities (thoroughbred and harness racing, greyhound racing, and jai-alai) that have conducted live racing or games in that county during each of the last two calendar years before the effective date of this amendment. If the voters of such county approve the referendum question by majority vote, slot machines shall be authorized in such parimutuel facilities. If the voters of such county by majority vote disapprove the referendum question, slot machines shall not be so authorized, and the question shall not be presented in another referendum in that county for at least two years.

(b) In the next regular Legislative session occurring after voter approval of this constitutional amendment, the Legislature shall adopt legislation implementing this section and having an effective date no later than July 1 of the year following voter approval of this amendment. Such legislation shall authorize agency rules for implementation, and may include provisions for the licensure and regulation of slot machines. The Legislature may tax slot machine revenues, and any such taxes must supplement public education funding statewide.

(c) If any part of this section is held invalid for any reason, the remaining portion or portions shall be severed from the invalid portion and given the fullest possible force and effect.

(d) This amendment shall become effective when approved by vote of the electors of the state.

**History.**—Proposed by Initiative Petition filed with the Secretary of State May 28, 2002; adopted 2004.

**Note.**—This section, originally designated section 19 by Amendment No. 4, 2004, proposed by Initiative Petition filed with the Secretary of State May 28, 2002, adopted 2004, was redesignated section 23 by the editors in order to avoid confusion with already existing section 19, relating to the high speed ground transportation system.

**SECTION 24. Florida minimum wage.—**

(a) **PUBLIC POLICY.** All working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and that does not force them to rely on

taxpayer-funded public services in order to avoid economic hardship.

(b) **DEFINITIONS.** As used in this amendment, the terms “Employer,” “Employee” and “Wage” shall have the meanings established under the federal Fair Labor Standards Act (FLSA) and its implementing regulations.

(c) **MINIMUM WAGE.** Employers shall pay Employees Wages no less than the Minimum Wage for all hours worked in Florida. Six months after enactment, the Minimum Wage shall be established at an hourly rate of \$6.15. On September 30th of that year and on each following September 30th, the state Agency for Workforce Innovation shall calculate an adjusted Minimum Wage rate by increasing the current Minimum Wage rate by the rate of inflation during the twelve months prior to each September 1st using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index as calculated by the United States Department of Labor. Each adjusted Minimum Wage rate calculated shall be published and take effect on the following January 1st. For tipped Employees meeting eligibility requirements for the tip credit under the FLSA, Employers may credit towards satisfaction of the Minimum Wage tips up to the amount of the allowable FLSA tip credit in 2003.

(d) **RETALIATION PROHIBITED.** It shall be unlawful for an Employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this amendment. Rights protected under this amendment include, but are not limited to, the right to file a complaint or inform any person about any party’s alleged noncompliance with this amendment, and the right to inform any person of his or her potential rights under this amendment and to assist him or her in asserting such rights.

(e) **ENFORCEMENT.** Persons aggrieved by a violation of this amendment may bring a civil action in a court of competent jurisdiction against an Employer or person violating this amendment and, upon prevailing, shall recover the full amount of any back wages unlawfully withheld plus the same amount as liquidated damages, and shall be awarded reasonable attorney’s fees and costs. In addition, they shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement in employment and/or injunctive relief. Any Employer or other person found liable for willfully violating this amendment shall also be subject to a fine payable to the state

in the amount of \$1000.00 for each violation. The state attorney general or other official designated by the state legislature may also bring a civil action to enforce this amendment. Actions to enforce this amendment shall be subject to a statute of limitations of four years or, in the case of willful violations, five years. Such actions may be brought as a class action pursuant to Rule 1.220 of the Florida Rules of Civil Procedure.

(f) **ADDITIONAL LEGISLATION, IMPLEMENTATION AND CONSTRUCTION.** Implementing legislation is not required in order to enforce this amendment. The state legislature may by statute establish additional remedies or fines for violations of this amendment, raise the applicable Minimum Wage rate, reduce the tip credit, or extend coverage of the Minimum Wage to employers or employees not covered by this amendment. The state legislature may by statute or the state Agency for Workforce Innovation may by regulation adopt any measures appropriate for the implementation of this amendment. This amendment provides for payment of a minimum wage and shall not be construed to preempt or otherwise limit the authority of the state legislature or any other public body to adopt or enforce any other law, regulation, requirement, policy or standard that provides for payment of higher or supplemental wages or benefits, or that extends such protections to employers or employees not covered by this amendment. It is intended that case law, administrative interpretations, and other guiding standards developed under the federal FLSA shall guide the construction of this amendment and any implementing statutes or regulations.

(g) **SEVERABILITY.** If any part of this amendment, or the application of this amendment to any person or circumstance, is held invalid, the remainder of this amendment, including the application of such part to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the parts of this amendment are severable.

**History.**—Proposed by Initiative Petition filed with the Secretary of State August 7, 2003; adopted 2004.

**SECTION 25. Patients' right to know about adverse medical incidents.—**

(a) In addition to any other similar rights provided herein or by general law, patients have a right to have access to any records made or received in the course of business by a health care facility or provider relating to any adverse medical incident.

(b) In providing such access, the identity of patients involved in the incidents shall not be disclosed, and any privacy restrictions imposed by federal law shall be maintained.

(c) For purposes of this section, the following terms have the following meanings:

(1) The phrases "health care facility" and "health care provider" have the meaning given in general law related to a patient's rights and responsibilities.

(2) The term "patient" means an individual who has sought, is seeking, is undergoing, or has undergone care or treatment in a health care facility or by a health care provider.

(3) The phrase "adverse medical incident" means medical negligence, intentional misconduct, and any other act, neglect, or default of a health care facility or health care provider that caused or could have caused injury to or death of a patient, including, but not limited to, those incidents that are required by state or federal law to be reported to any governmental agency or body, and incidents that are reported to or reviewed by any health care facility peer review, risk management, quality assurance, credentials, or similar committee, or any representative of any such committees.

(4) The phrase "have access to any records" means, in addition to any other procedure for producing such records provided by general law, making the records available for inspection and copying upon formal or informal request by the patient or a representative of the patient, provided that current records which have been made publicly available by publication or on the Internet may be "provided" by reference to the location at which the records are publicly available.

**History.**—Proposed by Initiative Petition filed with the Secretary of State April 1, 2003; adopted 2004.

**Note.**—

A. This section, originally designated section 22 by Amendment No. 7, 2004, proposed by Initiative Petition filed with the Secretary of State April 1, 2003, adopted 2004, was redesignated section 25 by the editors in order to avoid confusion with section 22, relating to parental notice of termination of a minor's pregnancy, as contained in Amendment No. 1, 2004, added by H.J.R. 1, 2004, adopted 2004.

B. Amendment No. 7, 2004, proposed by Initiative Petition filed with the Secretary of State April 1, 2003, adopted 2004, published "[f]ull [t]ext" consisting of a statement and purpose, the actual amendment "inserting the following new section at the end [of Art. X]," and an effective date and severability provision not specifically included in the amendment text. The effective date and severability provision reads:

3) Effective Date and Severability:

This amendment shall be effective on the date it is approved by the electorate. If any portion of this measure is held invalid for any reason, the remaining portion of this measure, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

**SECTION 26. Prohibition of medical license after repeated medical malpractice.—**

(a) No person who has been found to have committed three or more incidents of medical malpractice shall be licensed or continue to be licensed by the State of Florida to provide health care services as a medical doctor.

(b) For purposes of this section, the following terms have the following meanings:

(1) The phrase “medical malpractice” means both the failure to practice medicine in Florida with that level of care, skill, and treatment recognized in general law related to health care providers’ licensure, and any similar wrongful act, neglect, or default in other states or countries which, if committed in Florida, would have been considered medical malpractice.

(2) The phrase “found to have committed” means that the malpractice has been found in a final judgment of a court of law, final administrative agency decision, or decision of binding arbitration.

**History.**—Proposed by Initiative Petition filed with the Secretary of State April 7, 2003; adopted 2004.

**Note.—**

A. This section, originally designated section 20 by Amendment No. 8, 2004, proposed by Initiative Petition filed with the Secretary of State April 7, 2003, adopted 2004, was redesignated section 26 by the editors in order to avoid confusion with already existing section 20, relating to prohibiting workplace smoking.

B. Amendment No. 8, 2004, proposed by Initiative Petition filed with the Secretary of State April 7, 2003, adopted 2004, published “[f]ull [t]ext” consisting of a statement and purpose, the actual amendment “inserting the following new section at the end [of Art. XI],” and an effective date and severability provision not specifically included in the amendment text. The effective date and severability provision reads:

c) Effective Date and Severability:

This amendment shall be effective on the date it is approved by the electorate. If any portion of this measure is held invalid for any reason, the remaining portion of this measure, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

## ARTICLE XI

### AMENDMENTS

Sec.

1. Proposal by legislature.
2. Revision commission.
3. Initiative.
4. Constitutional convention.
5. Amendment or revision election.
6. Taxation and budget reform commission.
7. Tax or fee limitation.

**SECTION 1. Proposal by legislature.—**

Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of

the legislature. The full text of the joint resolution and the vote of each member voting shall be entered on the journal of each house.

**SECTION 2. Revision commission.—**

(a) Within thirty days before the convening of the 2017 regular session of the legislature, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

- (1) the attorney general of the state;
- (2) fifteen members selected by the governor;
- (3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and
- (4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chair. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chair, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it.

**History.**—Am. H.J.R. 1616, 1988; adopted 1988; Am. S.J.R. 210, 1996; adopted 1996; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 3. Initiative.—**The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

**History.**—Am. H.J.R. 2835, 1972; adopted 1972; Am. by Initiative Petition filed with the Secretary of State August 3, 1993; adopted 1994; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 4. Constitutional convention.—**

(a) The power to call a convention to consider a revision of the entire constitution is reserved to the people. It may be invoked by filing with the custodian of state records a petition, containing a declaration that a constitutional convention is desired, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to fifteen per cent of the votes cast in each such district respectively and in the state as a whole in the last preceding election of presidential electors.

(b) At the next general election held more than ninety days after the filing of such petition there shall be submitted to the electors of the state the question: "Shall a constitutional convention be held?" If a majority voting on the question votes in the affirmative, at the next succeeding general election there shall be elected from each representative district a member of a constitutional convention. On the twenty-first day following that election, the convention shall sit at the capital, elect officers, adopt rules of procedure, judge the election of its membership, and fix a time and place for its future meetings. Not later than ninety days before the next succeeding general election, the convention shall cause to be filed with the custodian of state records any revision of this constitution proposed by it.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 5. Amendment or revision election.—**

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) A proposed amendment or revision of this constitution, or any part of it, by initiative shall be submitted to the electors at the general election provided the initiative petition is filed with the custodian of state records no later than February 1 of the year in which the general election is held.

(c) The legislature shall provide by general law, prior to the holding of an election pursuant

to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to section 3.

(d) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(e) If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

**History.**—Am. H.J.R. 1616, 1988; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Am. H.J.R. 571, 2001; adopted 2002; Am. S.J.R. 2394, 2004; adopted 2004.

**SECTION 6. Taxation and budget reform commission.—**

(a) Beginning in 2007 and each twentieth year thereafter, there shall be established a taxation and budget reform commission composed of the following members:

(1) eleven members selected by the governor, none of whom shall be a member of the legislature at the time of appointment.

(2) seven members selected by the speaker of the house of representatives and seven members selected by the president of the senate, none of whom shall be a member of the legislature at the time of appointment.

(3) four non-voting ex officio members, all of whom shall be members of the legislature at the time of appointment. Two of these members, one of whom shall be a member of the minority party in the house of representatives, shall be selected by the speaker of the house of representatives, and two of these members, one of whom shall be a member of the minority party in the senate, shall be selected by the president of the senate.

(b) Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) At its initial meeting, the members of the commission shall elect a member who is not a member of the legislature to serve as chair and the commission shall adopt its rules of procedure. Thereafter, the commission shall convene at the call of the chair. An affirmative vote of two thirds of the full commission shall be necessary

for any revision of this constitution or any part of it to be proposed by the commission.

(d) The commission shall examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency; review policy as it relates to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next twenty year period; determine methods favored by the citizens of the state to fund the needs of the state, including alternative methods for raising sufficient revenues for the needs of the state; determine measures that could be instituted to effectively gather funds from existing tax sources; examine constitutional limitations on taxation and expenditures at the state and local level; and review the state's comprehensive planning, budgeting and needs assessment processes to determine whether the resulting information adequately supports a strategic decision-making process.

(e) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall issue a report of the results of the review carried out, and propose to the legislature any recommended statutory changes related to the taxation or budgetary laws of the state. Not later than one hundred eighty days prior to the general election in the second year following the year in which the commission is established, the commission shall file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.

**History.**—Added, H.J.R. 1616, 1988; adopted 1988; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 7. Tax or fee limitation.**—Notwithstanding Article X, Section 12(d) of this constitution, no new State tax or fee shall be imposed on or after November 8, 1994 by any amendment to this constitution unless the proposed amendment is approved by not fewer than two-thirds of the voters voting in the election in which such proposed amendment is considered. For purposes of this section, the phrase "new State tax or fee" shall mean any tax or fee which would produce revenue subject to lump sum or other appropriation by the Legislature, either for the State general revenue fund or any trust fund, which tax or fee is not in effect on November 7, 1994 including without limitation such taxes and fees as are the subject of proposed constitution-

al amendments appearing on the ballot on November 8, 1994. This section shall apply to proposed constitutional amendments relating to State taxes or fees which appear on the November 8, 1994 ballot, or later ballots, and any such proposed amendment which fails to gain the two-thirds vote required hereby shall be null, void and without effect.

**History.**—Proposed by Initiative Petition filed with the Secretary of State March 11, 1994; adopted 1996.

## ARTICLE XII

### SCHEDULE

Sec.

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**SECTION 1. Constitution of 1885 superseded.**—Articles I through IV, VII, and IX through XX of the Constitution of Florida adopted in 1885, as amended from time to time, are superseded by this revision except those sections expressly retained and made a part of this revision by reference.

**SECTION 2. Property taxes; millages.**—Tax millages authorized in counties, municipalities and special districts, on the date this revision

becomes effective, may be continued until reduced by law.

**SECTION 3. Officers to continue in office.**—Every person holding office when this revision becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

**SECTION 4. State commissioner of education.**—The state superintendent of public instruction in office on the effective date of this revision shall become and, for the remainder of the term being served, shall be the commissioner of education.

**SECTION 5. Superintendent of schools.**—

(a) On the effective date of this revision the county superintendent of public instruction of each county shall become and, for the remainder of the term being served, shall be the superintendent of schools of that district.

(b) The method of selection of the county superintendent of public instruction of each county, as provided by or under the Constitution of 1885, as amended, shall apply to the selection of the district superintendent of schools until changed as herein provided.

**SECTION 6. Laws preserved.**—

(a) All laws in effect upon the adoption of this revision, to the extent not inconsistent with it, shall remain in force until they expire by their terms or are repealed.

(b) All statutes which, under the Constitution of 1885, as amended, apply to the state superintendent of public instruction and those which apply to the county superintendent of public instruction shall under this revision apply, respectively, to the state commissioner of education and the district superintendent of schools.

**SECTION 7. Rights reserved.**—

(a) All actions, rights of action, claims, contracts and obligations of individuals, corporations and public bodies or agencies existing on the date this revision becomes effective shall continue to be valid as if this revision had not been adopted. All taxes, penalties, fines and forfeitures owing to the state under the Constitution of 1885, as amended, shall inure to the state under this revision, and all sentences as punishment for crime shall be executed according to their terms.

(b) This revision shall not be retroactive so as to create any right or liability which did not exist under the Constitution of 1885, as amended, based upon matters occurring prior to the adoption of this revision.

**SECTION 8. Public debts recognized.**—

All bonds, revenue certificates, revenue bonds and tax anticipation certificates issued pursuant to the Constitution of 1885, as amended by the state, any agency, political subdivision or public corporation of the state shall remain in full force and effect and shall be secured by the same sources of revenue as before the adoption of this revision, and, to the extent necessary to effectuate this section, the applicable provisions of the Constitution of 1885, as amended, are retained as a part of this revision until payment in full of these public securities.

**SECTION 9. Bonds.**—

(a) ADDITIONAL SECURITIES.

(1) 'Article IX, Section 17, of the Constitution of 1885, as amended, as it existed immediately before this Constitution, as revised in 1968, became effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except revenue bonds, revenue certificates or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state so authorized by law.

(2) That portion of <sup>2</sup>Article XII, Section 9, Subsection (a) of this Constitution, as amended, which by reference adopted <sup>3</sup>Article XII, Section 19 of the Constitution of 1885, as amended, as the same existed immediately before the effective date of this amendment is adopted by this reference as part of this revision as completely as though incorporated herein verbatim, for the purpose of providing that after the effective date of this amendment all of the proceeds of the revenues derived from the gross receipts taxes, as therein defined, collected in each year shall be applied as provided therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds or certificates issued before the effective date of this amendment or any refundings thereof which are secured by such gross receipts taxes. No bonds or other obligations may be issued pursuant to the provisions of <sup>3</sup>Article XII, Section 19, of the Constitution of 1885, as amended, but this provision shall not be construed to prevent the refunding of any such outstanding bonds or obligations pursuant to the provisions of this subsection (a)(2).

Subject to the requirements of the first paragraph of this subsection (a)(2), beginning July 1, 1975, all of the proceeds of the revenues derived from the gross receipts taxes collected from every person, including municipalities, as provided and levied pursuant to the provisions of chapter 203, Florida Statutes, as such chapter is amended from time to time, shall, as collected, be placed in a trust fund to be known as the "public education capital outlay and debt service trust fund" in the state treasury (hereinafter referred to as "capital outlay fund"), and used only as provided herein.

The capital outlay fund shall be administered by the state board of education as created and constituted by Section 2 of Article IX of the Constitution of Florida as revised in 1968 (hereinafter referred to as "state board"), or by such other instrumentality of the state which shall hereafter succeed by law to the powers, duties and functions of the state board, including the powers, duties and functions of the state board provided in this subsection (a)(2). The state board shall be a body corporate and shall have all the powers provided herein in addition to all other constitutional and statutory powers related to the purposes of this subsection (a)(2) heretofore or hereafter conferred by law upon the state board, or its predecessor created by the Constitution of 1885, as amended.

State bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, by the state board pursuant to law to finance or refinance capital projects theretofore authorized by the legislature, and any purposes appurtenant or incidental thereto, for the state system of public education provided for in Section 1 of Article IX of this Constitution (hereinafter referred to as "state system"), including but not limited to institutions of higher learning, community colleges, vocational technical schools, or public schools, as now defined or as may hereafter be defined by law. All such bonds shall mature not later than thirty years after the date of issuance thereof. All other details of such bonds shall be as provided by law or by the proceedings authorizing such bonds; provided, however, that no bonds, except refunding bonds, shall be issued, and no proceeds shall be expended for the cost of any capital project, unless such project has been authorized by the legislature.

Bonds issued pursuant to this subsection (a)(2) shall be primarily payable from such revenues derived from gross receipts taxes, and shall be additionally secured by the full faith and

credit of the state. No such bonds shall ever be issued in an amount exceeding ninety percent of the amount which the state board determines can be serviced by the revenues derived from the gross receipts taxes accruing thereafter under the provisions of this subsection (a)(2), and such determination shall be conclusive.

The moneys in the capital outlay fund in each fiscal year shall be used only for the following purposes and in the following order of priority:

a. For the payment of the principal of and interest on any bonds due in such fiscal year;

b. For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of bonds of any amounts required to be deposited in such reserve funds in such fiscal year;

c. For direct payment of the cost or any part of the cost of any capital project for the state system theretofore authorized by the legislature, or for the purchase or redemption of outstanding bonds in accordance with the provisions of the proceedings which authorized the issuance of such bonds, or for the purpose of maintaining, restoring, or repairing existing public educational facilities.

(b) REFUNDING BONDS. Revenue bonds to finance the cost of state capital projects issued prior to the date this revision becomes effective, including projects of the Florida state turnpike authority or its successor but excluding all portions of the state highway system, may be refunded as provided by law without vote of the electors at a lower net average interest cost rate by the issuance of bonds maturing not later than the obligations refunded, secured by the same revenues only.

(c) MOTOR VEHICLE FUEL TAXES.

(1) A state tax, designated "second gas tax," of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles as levied by <sup>4</sup>Article IX, Section 16, of the Constitution of 1885, as amended, is hereby continued. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) <sup>4</sup>Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the "second gas tax" as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent nec-

essary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the "second gas tax."

(3) No funds anticipated to be allocated under the formula stated in "Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said "Article IX, Section 16, may be refunded at a lower average net interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (5) of this subsection.

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the "second gas tax" shall be allocated to the account of each of the several counties in the amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under Article IV, Section 4. The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to "Article IX, Section 16, of the Constitution of 1885, as amended, and any

refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads and for road maintenance as authorized by law. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations secured by any portion of the "second gas tax" allocated to a county under "Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county exceed seventy-five per cent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five state fiscal years of operation of new projects to be financed, and of any other legally available pledged revenues collected in the preceding state fiscal year. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls, the pledged portions of the "second gas tax" allocated to that county, and any other pledged revenue, and shall mature not later than forty years from the date of issuance.

(d) SCHOOL BONDS.

(1) "Article XII, Section 9, Subsection (d) of this constitution, as amended, (which, by reference, adopted "Article XII, Section 18, of the Constitution of 1885, as amended) as the same existed immediately before the effective date of this amendment is adopted by this reference as part of this amendment as completely as though incorporated herein verbatim, for the purpose of providing that after the effective date of this amendment the first proceeds of the revenues derived from the licensing of motor vehicles as referred to therein shall be distributed annually among the several counties in the ratio of the number of instruction units in each county, the same being coterminus with the school district of each county as provided in Article IX, Section 4,

Subsection (a) of this constitution, in each year computed as provided therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds or motor vehicle tax anticipation certificates issued before the effective date of this amendment or any refundings thereof which are secured by any portion of such revenues derived from the licensing of motor vehicles.

(2) No funds anticipated to be distributed annually among the several counties under the formula stated in <sup>5</sup>Article XII, Section 9, Subsection (d) of this constitution, as amended, as the same existed immediately before the effective date of this amendment shall be pledged as security for any obligations hereafter issued or entered into, except that any outstanding obligations previously issued pledging such funds may be refunded by the issuance of refunding bonds.

(3) Subject to the requirements of paragraph (1) of this subsection (d) beginning July 1, 1973, the first proceeds of the revenues derived from the licensing of motor vehicles (hereinafter called "motor vehicle license revenues") to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the school district and community college district capital outlay and debt service fund in the state treasury and used only as provided in this amendment. Such revenue shall be distributed annually among the several school districts and community college districts in the ratio of the number of instruction units in each school district or community college district in each year computed as provided herein. The amount of the first motor vehicle license revenues to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of six hundred dollars (\$600) multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1967-68, plus an amount equal in the aggregate to the product of eight hundred dollars (\$800) multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1972-73 and for each school fiscal year thereafter which is in excess of the total number of such instruction units in all the school districts of Florida for the school fiscal year 1967-68, such excess units being designated "growth units." The amount of the first motor vehicle license revenues to be so set aside in each year and distributed as provided herein shall additionally be an amount equal in the aggregate to the product of four hundred dollars

(\$400) multiplied by the total number of instruction units in all community college districts of Florida. The number of instruction units in each school district or community college district in each year for the purposes of this amendment shall be the greater of (1) the number of instruction units in each school district for the school fiscal year 1967-68 or community college district for the school fiscal year 1968-69 computed in the manner heretofore provided by general law, or (2) the number of instruction units in such school district, including growth units, or community college district for the school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the state board of education (hereinafter called the state board), or (3) the number of instruction units in each school district, including growth units, or community college district on behalf of which the state board has issued bonds or motor vehicle license revenue anticipation certificates under this amendment which will produce sufficient revenues under this amendment to equal one and twelve-hundredths (1.12) times the aggregate amount of principal of and interest on all bonds or motor vehicle license revenue anticipation certificates issued under this amendment which will mature and become due in such year, computed in the manner heretofore or hereafter provided by general law and approved by the state board.

(4) Such funds so distributed shall be administered by the state board as now created and constituted by Section 2 of Article IX of the State Constitution as revised in 1968, or by such other instrumentality of the state which shall hereafter succeed by law to the powers, duties and functions of the state board, including the powers, duties and functions of the state board provided in this amendment. For the purposes of this amendment, said state board shall be a body corporate and shall have all the powers provided in this amendment in addition to all other constitutional and statutory powers related to the purposes of this amendment heretofore or hereafter conferred upon said state board.

(5) The state board shall, in addition to its other constitutional and statutory powers, have the management, control and supervision of the proceeds of the first motor vehicle license revenues provided for in this subsection (d). The state board shall also have power, for the purpose of obtaining funds for the use of any school board of any school district or board of trustees of any community college district in acquiring, building, constructing, altering, remodeling,

improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes to issue bonds or motor vehicle license revenue anticipation certificates, and also to issue such bonds or motor vehicle license revenue anticipation certificates to pay, fund or refund any bonds or motor vehicle license revenue anticipation certificates theretofore issued by said state board. All such bonds or motor vehicle license revenue anticipation certificates shall bear interest at not exceeding the rate provided by general law and shall mature not later than thirty years after the date of issuance thereof. The state board shall have power to determine all other details of the bonds or motor vehicle license revenue anticipation certificates and to sell in the manner provided by general law, or exchange the bonds or motor vehicle license revenue anticipation certificates, upon such terms and conditions as the state board shall provide.

(6) The state board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle license revenue anticipation certificates, including refunding bonds or refunding motor vehicle license revenue anticipation certificates, all or any part from the motor vehicle license revenues provided for in this amendment and to enter into any covenants and other agreements with the holders of such bonds or motor vehicle license revenue anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

(7) No such bonds or motor vehicle license revenue anticipation certificates shall ever be issued by the state board, except to refund outstanding bonds or motor vehicle license revenue anticipation certificates, until after the adoption of a resolution requesting the issuance thereof by the school board of the school district or board of trustees of the community college district on behalf of which the obligations are to be issued. The state board of education shall limit the amount of such bonds or motor vehicle license revenue anticipation certificates which can be issued on behalf of any school district or community college district to ninety percent (90%) of the amount which it determines can be serviced by the revenue accruing to the school district or community college district under the

provisions of this amendment, and shall determine the reasonable allocation of the interest savings from the issuance of refunding bonds or motor vehicle license revenue anticipation certificates, and such determinations shall be conclusive. All such bonds or motor vehicle license revenue anticipation certificates shall be issued in the name of the state board of education but shall be issued for and on behalf of the school board of the school district or board of trustees of the community college district requesting the issuance thereof, and no election or approval of qualified electors shall be required for the issuance thereof.

(8) The state board shall in each year use the funds distributable pursuant to this amendment to the credit of each school district or community college district only in the following manner and in order of priority:

a. To comply with the requirements of paragraph (1) of this subsection (d).

b. To pay all amounts of principal and interest due in such year on any bonds or motor vehicle license revenue anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle license revenue anticipation certificates, issued on behalf of the school board of such school district or board of trustees of such community college district; subject, however, to any covenants or agreements made by the state board concerning the rights between holders of different issues of such bonds or motor vehicle license revenue anticipation certificates, as herein authorized.

c. To establish and maintain a sinking fund or funds to meet future requirements for debt service or reserves therefor, on bonds or motor vehicle license revenue anticipation certificates issued on behalf of the school board of such school district or board of trustees of such community college district under the authority hereof, whenever the state board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the state board shall in its discretion determine.

d. To distribute annually to the several school boards of the school districts or the boards of trustees of the community college districts for use in payment of debt service on bonds heretofore or hereafter issued by any such school boards of the school districts or boards of trustees of the community college districts where the proceeds of the bonds were used, or are to be used, in the acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or

repairing of capital outlay projects in such school districts or community college districts and which capital outlay projects have been approved by the school board of the school district or board of trustees of the community college district, pursuant to the most recent survey or surveys conducted under regulations prescribed by the state board to determine the capital outlay needs of the school district or community college district. The state board shall have power at the time of issuance of any bonds by any school board of any school district or board of trustees of any community college district to covenant and agree with such school board or board of trustees as to the rank and priority of payments to be made for different issues of bonds under this subparagraph d., and may further agree that any amounts to be distributed under this subparagraph d. may be pledged for the debt service on bonds issued by any school board of any school district or board of trustees of any community college district and for the rank and priority of such pledge. Any such covenants or agreements of the state board may be enforced by any holders of such bonds in any court of competent jurisdiction.

e. To pay the expenses of the state board in administering this subsection (d), which shall be prorated among the various school districts and community college districts and paid out of the proceeds of the bonds or motor vehicle license revenue anticipation certificates or from the funds distributable to each school district and community college district on the same basis as such motor vehicle license revenues are distributable to the various school districts and community college districts.

f. To distribute annually to the several school boards of the school districts or boards of trustees of the community college districts for the payment of the cost of acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes in such school district or community college district as shall be requested by resolution of the school board of the school district or board of trustees of the community college district.

g. When all major capital outlay needs of a school district or community college district have been met as determined by the state board, on the basis of a survey made pursuant to regulations of the state board and approved by the state board, all such funds remaining shall be distributed annually and used for such school purposes in such school district or community college dis-

trict as the school board of the school district or board of trustees of the community college district shall determine, or as may be provided by general law.

(9) Capital outlay projects of a school district or community college district shall be eligible to participate in the funds accruing under this amendment and derived from the proceeds of bonds and motor vehicle license revenue anticipation certificates and from the motor vehicle license revenues, only in the order of priority of needs, as shown by a survey or surveys conducted in the school district or community college district under regulations prescribed by the state board, to determine the capital outlay needs of the school district or community college district and approved by the state board; provided that the priority of such projects may be changed from time to time upon the request of the school board of the school district or board of trustees of the community college district and with the approval of the state board; and provided, further, that this paragraph (9) shall not in any manner affect any covenant, agreement or pledge made by the state board in the issuance by said state board of any bonds or motor vehicle license revenue anticipation certificates, or in connection with the issuance of any bonds of any school board of any school district or board of trustees of any community college district.

(10) The state board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this amendment of full force and operating effect. The legislature shall not reduce the levies of said motor vehicle license revenues during the life of this amendment to any degree which will fail to provide the full amount necessary to comply with the provisions of this amendment and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license revenues from the operation of this amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle license revenue anticipation certificates issued pursuant to this amendment or impairing or altering any covenant or agreement of the state board, as provided in such bonds or motor vehicle license revenue anticipation certificates.

(11) Bonds issued by the state board pursuant to this subsection (d) shall be payable primarily from said motor vehicle license revenues

as provided herein, and if heretofore or hereafter authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When heretofore or hereafter authorized by law, bonds issued pursuant to Article XII, Section 18 of the Constitution of 1885, as amended prior to 1968, and bonds issued pursuant to Article XII, Section 9, subsection (d) of the Constitution as revised in 1968, and bonds issued pursuant to this subsection (d), may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state.

(e) **DEBT LIMITATION.** Bonds issued pursuant to this Section 9 of Article XII which are payable primarily from revenues pledged pursuant to this section shall not be included in applying the limits upon the amount of state bonds contained in Section 11, Article VII, of this revision.

**History.**—Am. H.J.R. 1851, 1969; adopted 1969; Am. C.S. for S.J.R. 292, 1972, and Am. C.S. for H.J.R. 3576, 1972; adopted 1972; Am. C.S. for H.J.R.'s 2289, 2984, 1974; adopted 1974; Am. S.J.R. 824, 1980; adopted 1980; Am. S.J.R. 1157, 1984; adopted 1984; Am. proposed by Taxation and Budget Reform Commission, Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992; Am. S.J.R. 2-H, 1992; adopted 1992; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**Note.**—Section 17 of Art. IX of the Constitution of 1885, as amended, reads as follows:

**SECTION 17.** Bonds; land acquisition for outdoor recreation development.—The outdoor recreational development council, as created by the 1963 legislature, may issue revenue bonds, revenue certificates or other evidences of indebtedness to acquire lands, water areas and related resources and to construct, improve, enlarge and extend capital improvements and facilities thereon in furtherance of outdoor recreation, natural resources conservation and related facilities in this state; provided, however, the legislature with respect to such revenue bonds, revenue certificates or other evidences of indebtedness shall designate the revenue or tax sources to be deposited in or credited to the land acquisition trust fund for their repayment and may impose restrictions on their issuance, including the fixing of maximum interest rates and discounts.

The land acquisition trust fund, created by the 1963 legislature for these multiple public purposes, shall continue from the date of the adoption of this amendment for a period of fifty years.

In the event the outdoor recreational development council shall determine to issue bonds for financing acquisition of sites for multiple purposes the state board of administration shall act as fiscal agent, and the attorney general shall handle the validation proceedings.

All bonds issued under this amendment shall be sold at public sale after public advertisement upon such terms and conditions as the outdoor recreational development council shall provide and as otherwise provided by law and subject to the limitations herein imposed.

**History.**—S.J.R. 727, 1963; adopted 1963.

**Note.**—Prior to its amendment by C.S. for H.J.R.'s 2289, 2984, 1974, subsection (a) read as follows:

(a) **ADDITIONAL SECURITIES.** Article IX, Section 17, of the Constitution of 1885, as amended, as it existed immediately before this Constitution, as revised in 1968, became effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except revenue bonds, revenue certificates or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state so authorized by law.

Article XII, Section 19, of the Constitution of 1885, as amended, as it existed immediately before this revision becomes effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except bonds or tax anticipation certificates hereafter issued thereunder may bear interest not in excess of five percent (5%) per annum or such higher interest as may be authorized by statute passed by a three-fifths ( $\frac{3}{5}$ ) vote of each

house of the legislature. No revenue bonds or tax anticipation certificates shall be issued pursuant thereto after June 30, 1975.

**Note.**—Section 19 of Art. XII of the Constitution of 1885, as amended, reads as follows:

**SECTION 19.** Institutions of higher learning and junior college capital outlay trust fund bonds.—(a) That beginning January 1, 1964, and for fifty years thereafter, all of the proceeds of the revenues derived from the gross receipts taxes collected from every person, including municipalities, receiving payment for electricity for light, heat or power, for natural or manufactured gas for light, heat or power, for use of telephones and for the sending of telegrams and telegraph messages, as now provided and levied as of the time of adoption of this amendment in Chapter 203, Florida Statutes (hereinafter called "Gross Receipts Taxes"), shall, as collected be placed in a trust fund to be known as the "Institutions of Higher Learning and Junior Colleges Capital Outlay and Debt Service Trust Fund" in the State Treasury (hereinafter referred to as "Capital Outlay Fund"), and used only as provided in this Amendment.

Said fund shall be administered by the State Board of Education, as now created and constituted by Section 3 of Article XII [now s. 2, Article IX] of the Constitution of Florida (hereinafter referred to as "State Board"). For the purpose of this Amendment, said State Board, as now constituted, shall continue as a body corporate during the life of this Amendment and shall have all the powers provided in this Amendment in addition to all other constitutional and statutory powers related to the purposes of this Amendment heretofore or hereafter conferred by law upon said State Board.

(b) The State Board shall have power, for the purpose of obtaining funds for acquiring, building, constructing, altering, improving, enlarging, furnishing or equipping capital outlay projects theretofore authorized by the legislature and any purposes appurtenant or incidental thereto, for Institutions of Higher Learning or Junior Colleges, as now defined or as may be hereafter defined by law, and for the purpose of constructing buildings and other permanent facilities for vocational technical schools as provided in chapter 230 Florida Statutes, to issue bonds or certificates, including refunding bonds or certificates to fund or refund any bonds or certificates theretofore issued. All such bonds or certificates shall bear interest at not exceeding four and one-half per centum per annum, and shall mature at such time or times as the State Board shall determine not exceeding, in any event, however, thirty years from the date of issuance thereof. The State Board shall have power to determine all other details of such bonds or certificates and to sell at public sale, after public advertisement, such bonds or certificates, provided, however, that no bonds or certificates shall ever be issued hereunder to finance, or the proceeds thereof expended for, any part of the cost of any capital outlay project unless the construction or acquisition of such capital outlay project has been theretofore authorized by the Legislature of Florida. None of said bonds or certificates shall be sold at less than ninety-eight per centum of the par value thereof, plus accrued interest, and said bonds or certificates shall be awarded at the public sale thereof to the bidder offering the lowest net interest cost for such bonds or certificates in the manner to be determined by the State Board.

The State Board shall also have power to pledge for the payment of the principal and of interest on such bonds or certificates, and reserves therefor, including refunding bonds or certificates, all or any part of the revenue to be derived from the said Gross Receipts Taxes provided for in this Amendment, and to enter into any covenants and other agreements with the holders of such bonds or certificates concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or certificates shall ever be issued by the State Board in an amount exceeding seventy-five per centum of the amount which it determines, based upon the average annual amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding two fiscal years, or the amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding fiscal year, as shown in a certificate filed by the State Comptroller with the State Board prior to the issuance of such bonds or certificates, whichever is the lesser, can be serviced by the revenues accruing thereafter under the provisions of this Amendment; nor shall the State Board, during the first year following the ratification of this amendment, issue bonds or certificates in excess of seven times the anticipated revenue from said Gross Receipts Taxes during said year, nor during each succeeding year, more than four times the anticipated revenue from said Gross Receipts Taxes during such year. No election or approval of qualified electors or freeholder electors shall be required for the issuance of bonds or certificates hereunder.

After the initial issuance of any bonds or certificates pursuant to this Amendment, the State Board may thereafter issue additional bonds or certificates which will rank equally and on a parity, as to lien on and source of security for payment from said Gross Receipts

Taxes, with any bonds or certificates theretofore issued pursuant to this Amendment, but such additional parity bonds or certificates shall not be issued unless the average annual amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding two fiscal years, or the amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding fiscal year, as shown in a certificate filed by the State Comptroller with the State Board prior to the issuance of such bonds or certificates, whichever is the lesser, shall have been equal to one and one-third times the aggregate amount of principal and interest which will become due in any succeeding fiscal year on all bonds or certificates theretofore issued pursuant to this Amendment and then outstanding, and the additional parity bonds or certificates then proposed to be issued. No bonds, certificates or other obligations whatsoever shall at any time be issued under the provisions of this Amendment, except such bonds or certificates initially issued hereunder, and such additional parity bonds or certificates as provided in this paragraph. Notwithstanding any other provision herein no such bonds or certificates shall be authorized or validated during any biennium in excess of fifty million dollars, except by two-thirds vote of the members elected to each house of the legislature, provided further that during the biennium 1963-1965 seventy-five million dollars may be authorized and validated pursuant hereto.

(c) Capital outlay projects theretofore authorized by the legislature for any Institution of Higher Learning or Junior College shall be eligible to participate in the funds accruing under this Amendment derived from the proceeds of bonds or certificates and said Gross Receipts Taxes under such regulations and in such manner as shall be determined by the State Board, and the State Board shall use or transmit to the State Board of Control or to the Board of Public Instruction of any County authorized by law to construct or acquire such capital outlay projects, the amount of the proceeds of such bonds or certificates or Gross Receipts Taxes to be applied to or used for such capital outlay projects. If for any reason any of the proceeds of any bonds or certificates issued for any capital outlay project shall not be expended for such capital outlay project, the State Board may use such unexpended proceeds for any other capital outlay project for Institutions of Higher Learning or Junior Colleges and vocational technical schools, as defined herein, as now defined or as may be hereafter defined by law, theretofore authorized by the State Legislature. The holders of bonds or certificates issued hereunder shall not have any responsibility whatsoever for the application or use of any of the proceeds derived from the sale of said bonds or certificates, and the rights and remedies of the holders of such bonds or certificates and their right to payment from said Gross Receipts Taxes in the manner provided herein shall not be affected or impaired by the application or use of such proceeds.

The State Board shall use the moneys in said Capital Outlay Fund in each fiscal year only for the following purposes and in the following order of priority:

(1) For the payment of the principal of and interest on any bonds or certificates maturing in such fiscal year.

(2) For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of said bonds or certificates, of any amounts required to be deposited in such reserve funds in such fiscal year.

(3) After all payments required in such fiscal year for the purposes provided for in (1) and (2) above, including any deficiencies for required payments in prior fiscal years, any moneys remaining in said Capital Outlay Fund at the end of such fiscal year may be used by the State Board for direct payment of the cost or any part of the cost of any capital outlay project theretofore authorized by the legislature or for the purchase of any bonds or certificates issued hereunder then outstanding upon such terms and conditions as the State Board shall deem proper, or for the prior redemption of outstanding bonds or certificates in accordance with the provisions of the proceedings which authorized the issuance of such bonds or certificates.

The State Board may invest the moneys in said Capital Outlay Fund or in any sinking fund or other funds created for any issue of bonds or certificates, in direct obligations of the United States of America or in the other securities referred to in Section 344.27, Florida Statutes.

(d) The State Board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this Amendment of full force and operating effect on and after January 1, 1964. The Legislature, during the period this Amendment is in effect, shall not reduce the rate of said Gross Receipts Taxes now provided in said Chapter 203, Florida Statutes, or eliminate, exempt or remove any of the persons, firms or corporations, including municipal corporations, or any of the utilities, businesses or services now or hereafter subject to said Gross Receipts Taxes, from the levy and collection of said Gross Receipts Taxes as now provided in said Chapter 203, Florida Statutes, and shall not enact any law impairing or materially altering the rights of the holders of any bonds or certificates issued

pursuant to this Amendment or impairing or altering any covenants or agreements of the State Board made hereunder, or having the effect of withdrawing the proceeds of said Gross Receipts Taxes from the operation of this Amendment.

The State Board of Administration shall be and is hereby constituted as the Fiscal Agent of the State Board to perform such duties and assume such responsibilities under this Amendment as shall be agreed upon between the State Board and such State Board of Administration. The State Board shall also have power to appoint such other persons and fix their compensation for the administration of the provisions of this Amendment as it shall deem necessary, and the expenses of the State Board in administering the provisions of this Amendment shall be paid out of the proceeds of bonds or certificates issued hereunder or from said Gross Receipts Taxes deposited in said Capital Outlay Fund.

(e) No capital outlay project or any part thereof shall be financed hereunder unless the bill authorizing such project shall specify it is financed hereunder and shall be approved by a vote of three-fifths of the elected members of each house.

**History.**—S.J.R. 264, 1963; adopted 1963.

**\*Note.**—Section 16 of Art. IX of the Constitution of 1885, as amended, reads as follows:

SECTION 16. Board of administration; gasoline and like taxes, distribution and use; etc.—(a) That beginning January 1st, 1943, and for fifty (50) years thereafter, the proceeds of two (2c) cents per gallon of the total tax levied by state law upon gasoline and other like products of petroleum, now known as the Second Gas Tax, and upon other fuels used to propel motor vehicles, shall as collected be placed monthly in the 'State Roads Distribution Fund' in the State Treasury and divided into three (3) equal parts which shall be distributed monthly among the several counties as follows: one part according to area, one part according to population, and one part according to the counties' contributions to the cost of state road construction in the ratio of distribution as provided in Chapter 15659, Laws of Florida, Acts of 1931, and for the purposes of the apportionment based on the counties' contributions for the cost of state road construction, the amount of the contributions established by the certificates made in 1931 pursuant to said Chapter 15659, shall be taken and deemed conclusive in computing the monthly amounts distributable according to said contributions. Such funds so distributed shall be administered by the State Board of Administration as hereinafter provided.

(b) The Governor as chairman, the State Treasurer, and the State Comptroller shall constitute a body corporate to be known as the 'State Board of Administration,' which board shall succeed to all the power, control and authority of the statutory Board of Administration. Said Board shall have, in addition to such powers as may be conferred upon it by law, the management, control and supervision of the proceeds of said two (2c) cents of said taxes and all moneys and other assets which on the effective date of this amendment are applicable or may become applicable to the bonds of the several counties of this state, or any special road and bridge district, or other special taxing district thereof, issued prior to July 1st, 1931, for road and bridge purposes. The word 'bonds' as used herein shall include bonds, time warrants, notes and other forms of indebtedness issued for road and bridge purposes by any county or special road and bridge district or other special taxing district, outstanding on July 1st, 1931, or any refunding issues thereof. Said Board shall have the statutory powers of Boards of County Commissioners and Bond Trustees and of any other authority of special road and bridge districts, and other special taxing districts thereof with regard to said bonds, (except that the power to levy ad valorem taxes is expressly withheld from said Board), and shall take over all papers, documents and records concerning the same. Said Board shall have the power from time to time to issue refunding bonds to mature within the said fifty (50) year period, for any of said outstanding bonds or interest thereon, and to secure them by a pledge of anticipated receipts from such gasoline or other fuel taxes to be distributed to such county as herein provided, but not at a greater rate of interest than said bonds now bear, and to issue, sell or exchange on behalf of any county or unit for the sole purpose of retiring said bonds issued by such county, or special road and bridge district, or other special taxing district thereof, gasoline or other fuel tax anticipation certificates bearing interest at not more than three (3) per cent per annum in such denominations and maturing at such time within the fifty (50) year period as the board may determine. In addition to exercising the powers now provided by statute for the investment of sinking funds, said Board may use the sinking funds created for said bonds of any county or special road and bridge district, or other unit hereunder, to purchase the matured or maturing bonds participating herein of any other county or any other special road and bridge district, or other special taxing district thereof, provided that as to said matured bonds, the value thereof as an investment shall be the price paid therefor, which shall not exceed the par value plus accrued interest, and that said investment shall bear interest at the rate of three (3) per cent per annum.

(c) The said board shall annually use said funds in each county account, first, to pay current principal and interest maturing, if any, of said bonds and gasoline or other fuel tax anticipation certificates of such county or special road and bridge district, or other special taxing district thereof; second, to establish a sinking fund account to meet future requirements of said bonds and gasoline or other fuel tax anticipation certificates where it appears the anticipated income for any year or years will not equal scheduled payments thereon; and third, any remaining balance out of the proceeds of said two (2c) cents of said taxes shall monthly during the year be remitted by said board as follows: Eighty (80%) per cent to the State Road Department for the construction or reconstruction of state roads and bridges within the county, or for the lease or purchase of bridges connecting state highways within the county, and twenty (20%) per cent to the Board of County Commissioners of such county for use on roads and bridges therein.

(d) Said board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers hereby granted and no legislation shall be required to render this amendment of full force and operating effect from and after January 1st, 1943. The Legislature shall continue the levies of said taxes during the life of this Amendment, and shall not enact any law having the effect of withdrawing the proceeds of said two (2c) cents of said taxes from the operation of this amendment. The board shall pay refunding expenses and other expenses for services rendered specifically for, or which are properly chargeable to, the account of any county from funds distributed to such county; but general expenses of the board for services rendered all the counties alike shall be prorated among them and paid out of said funds on the same basis said tax proceeds are distributed among the several counties; provided, report of said expenses shall be made to each Regular Session of the Legislature, and the Legislature may limit the expenses of the board.

**History.**—Added, S.J.R. 324, 1941; adopted 1942.

**Note.**—Prior to its amendment by C.S. for H.J.R. 3576, 1972, subsection (d) read as follows:

(d) **SCHOOL BONDS.** Article XII, Section 18, of the Constitution of 1885, as amended, as it existed immediately before this revision becomes effective is adopted by this reference as part of this revision as completely as though incorporated herein verbatim, except bonds or tax anticipation certificates hereafter issued thereunder may bear interest not in excess of five per cent per annum or such higher interest as may be authorized by statute passed by a three-fifths vote of each house of the legislature. Bonds issued pursuant to this subsection (d) shall be payable primarily from revenues as provided in Article XII, Section 18, of the Constitution of 1885, as amended, and if authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When authorized by law, bonds issued pursuant to Article XII, Section 18, of the Constitution of 1885, as amended, and bonds issued pursuant to this subsection (d), may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state only at a lower net average interest cost rate.

**Note.**—Section 18, Art. XII of the Constitution of 1885, as amended, reads as follows:

**SECTION 18.** School bonds for capital outlay, issuance.—

(a) Beginning January 1, 1965 and for thirty-five years thereafter, the first proceeds of the revenues derived from the licensing of motor vehicles to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the county capital outlay and debt service school fund in the state treasury, and used only as provided in this amendment. Such revenue shall be distributed annually among the several counties in the ratio of the number of instruction units in each county in each year computed as provided herein. The amount of the first revenues derived from the licensing of motor vehicles to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of four hundred dollars multiplied by the total number of instruction units in all the counties of Florida. The number of instruction units in each county in each year for the purposes of this amendment shall be the greater of (1) the number of instruction units in each county for the school fiscal year 1951-52 computed in the manner heretofore provided by general law, or (2) the number of instruction units in such county for the school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the state board of education (hereinafter called the state board), or (3) the number of instruction units in each county on behalf of which the state board of education has issued bonds or motor vehicle tax anticipation certificates under this amendment which will produce sufficient revenues under this amendment to equal one and one-third times the aggregate amount of principal and interest on such bonds or motor vehicle tax anticipation certificates which will mature and become due in such year, computed in the manner heretofore or hereafter provided by general law and approved by the state board.

Such funds so distributed shall be administered by the state board as now created and constituted by Section 3 of Article XII [now s. 2, Article IX] of the Constitution of Florida. For the purposes of this amendment, said state board, as now constituted, shall continue as a body corporate during the life of this amendment and shall have all the powers provided in this amendment in addition to all other constitutional and statutory powers related to the purposes of this amendment heretofore or hereafter conferred upon said board.

(b) The state board shall, in addition to its other constitutional and statutory powers, have the management, control and supervision of the proceeds of the first part of the revenues derived from the licensing of motor vehicles provided for in subsection (a). The state board shall also have power, for the purpose of obtaining funds for the use of any county board of public instruction in acquiring, building, constructing, altering, improving, enlarging, furnishing, or equipping capital outlay projects for school purposes, to issue bonds or motor vehicle tax anticipation certificates, and also to issue such bonds or motor vehicle tax anticipation certificates to pay, fund or refund any bonds or motor vehicle tax anticipation certificates theretofore issued by said state board. All such bonds shall bear interest at not exceeding four and one-half per centum per annum and shall mature serially in annual installments commencing not more than three years from the date of issuance thereof and ending not later than thirty years from the date of issuance or January 1, 2000, A.D., whichever is earlier. All such motor vehicle tax anticipation certificates shall bear interest at not exceeding four and one-half per centum per annum and shall mature prior to January 1, 2000, A.D. The state board shall have power to determine all other details of said bonds or motor vehicle tax anticipation certificates and to sell at public sale after public advertisement, or exchange said bonds or motor vehicle tax anticipation certificates, upon such terms and conditions as the state board shall provide.

The state board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle tax anticipation certificates, including refunding bonds or refunding motor vehicle tax anticipation certificates, all or any part from the anticipated revenues to be derived from the licensing of motor vehicles provided for in this amendment and to enter into any covenants and other agreements with the holders of such bonds or motor vehicle tax anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or motor vehicle tax anticipation certificates shall ever be issued by the state board until after the adoption of a resolution requesting the issuance thereof by the county board of public instruction of the county on behalf of which such obligations are to be issued. The state board of education shall limit the amount of such bonds or motor vehicle tax anticipation certificates which can be issued on behalf of any county to seventy-five per cent of the amount which it determines can be serviced by the revenue accruing to the county under the provisions of this amendment, and such determination shall be conclusive. All such bonds or motor vehicle tax anticipation certificates shall be issued in the name of the state board of education but shall be issued for and on behalf of the county board of public instruction requesting the issuance thereof, and no election or approval of qualified electors or freeholders shall be required for the issuance thereof.

(c) The State Board shall in each year use the funds distributable pursuant to this Amendment to the credit of each county only in the following manner and order of priority:

(1) To pay all amounts of principal and interest maturing in such year on any bonds or motor vehicle tax anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle tax anticipation certificates, issued on behalf of the Board of Public Instruction of such county; subject, however, to any covenants or agreements made by the State Board concerning the rights between holders of different issues of such bonds or motor vehicle tax anticipation certificates, as herein authorized.

(2) To establish and maintain a sinking fund or funds to meet future requirements for debt service, or reserves therefor, on bonds or motor vehicle tax anticipation certificates issued on behalf of the Board of Public Instruction of such county, under the authority hereof, whenever the State Board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the State Board shall in its discretion determine.

(3) To distribute annually to the several Boards of Public Instruction of the counties for use in payment of debt service on bonds heretofore or hereafter issued by any such Board where the proceeds of the bonds were used, or are to be used, in the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects in such county, and which capital outlay projects have been approved by the Board of Public Instruction of the county, pursuant to a survey or surveys conducted subsequent to July 1, 1947 in

the county, under regulations prescribed by the State Board to determine the capital outlay needs of the county.

The State Board shall have power at the time of issuance of any bonds by any Board of Public Instruction to covenant and agree with such Board as to the rank and priority of payments to be made for different issues of bonds under this Subsection (3), and may further agree that any amounts to be distributed under this Subsection (3) may be pledged for the debt service on bonds issued by any Board of Public Instruction and for the rank and priority of such pledge. Any such covenants or agreements of the State Board may be enforced by any holders of such bonds in any court of competent jurisdiction.

(4) To distribute annually to the several Boards of Public Instruction of the counties for the payment of the cost of the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects for school purposes in such county as shall be requested by resolution of the County Board of Public Instruction of such county.

(5) When all major capital outlay needs of a county have been met as determined by the State Board, on the basis of a survey made pursuant to regulations of the State Board and approved by the State Board, all such funds remaining shall be distributed annually and used for such school purposes in such county as the Board of Public Instruction of the county shall determine, or as may be provided by general law.

(d) Capital outlay projects of a county shall be eligible to participate in the funds accruing under this Amendment and derived from the proceeds of bonds and motor vehicle tax anticipation certificates and from the motor vehicle license taxes, only in the order of priority of needs, as shown by a survey or surveys conducted in the county under regulations prescribed by the State Board, to determine the capital outlay needs of the county and approved by the State Board; provided, that the priority of such projects may be changed from time to time upon the request of the Board of Public Instruction of the county and with the approval of the State Board; and provided further, that this Subsection (d) shall not in any manner affect any covenant, agreement, or pledge made by the State Board in the issuance by said State Board of any bonds or motor vehicle tax anticipation certificates, or in connection with the issuance of any bonds of any Board of Public Instruction of any county.

(e) The State Board may invest any sinking fund or funds created pursuant to this Amendment in direct obligations of the United States of America or in the bonds or motor vehicle tax anticipation certificates, matured or to mature, issued by the State Board on behalf of the Board of Public Instruction of any county.

(f) The State Board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this Amendment of full force and operating effect from and after January 1, 1953. The Legislature shall not reduce the levies of said motor vehicle license taxes during the life of this Amendment to any degree which will fail to provide the full amount necessary to comply with the provisions of this Amendment and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license taxes from the operation of this Amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle tax anticipation certificates issued pursuant to this Amendment or impairing or altering any covenant or agreement of the State Board, as provided in such bonds or motor vehicle tax anticipation certificates.

The State Board shall have power to appoint such persons and fix their compensation for the administration of the provisions of this Amendment as it shall deem necessary, and the expenses of the State Board in administering the provisions of this Amendment shall be prorated among the various counties and paid out of the proceeds of the bonds or motor vehicle tax anticipation certificates or from the funds distributable to each county on the same basis as such motor vehicle license taxes are distributable to the various counties under the provisions of this Amendment. Interest or profit on sinking fund investments shall accrue to the counties in proportion to their respective equities in the sinking fund or funds.

**History.**—Added, S.J.R. 106, 1951; adopted 1952; (a), (b) Am. S.J.R. 218, 1963; adopted 1964.

**SECTION 10. Preservation of existing government.**—All provisions of Articles I through IV, VII and IX through XX of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with

this revision shall become statutes subject to modification or repeal as are other statutes.

**Note.**—See table in Volume 6 of the Florida Statutes tracing various provisions of the Constitution of 1885, as amended, into the Florida Statutes.

**SECTION 11. Deletion of obsolete schedule items.**—The legislature shall have power, by joint resolution, to delete from this revision any section of this Article XII, including this section, when all events to which the section to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this section shall be subject to judicial review.

**SECTION 12. Senators.**—The requirements of staggered terms of senators in Section 15(a), of Article III of this revision shall apply only to senators elected in November, 1972, and thereafter.

**SECTION 13. Legislative apportionment.**—The requirements of legislative apportionment in Section 16 of Article III of this revision shall apply only to the apportionment of the legislature following the decennial census of 1970, and thereafter.

**SECTION 14. Representatives; terms.**—The legislature at its first regular session following the ratification of this revision, by joint resolution, shall propose to the electors of the state for ratification or rejection in the general election of 1970 an amendment to Article III, Section 15(b), of the constitution providing staggered terms of four years for members of the house of representatives.

**SECTION 15. Special district taxes.**—Ad valorem taxing power vested by law in special districts existing when this revision becomes effective shall not be abrogated by Section 9(b) of Article VII herein, but such powers, except to the extent necessary to pay outstanding debts, may be restricted or withdrawn by law.

**SECTION 16. Reorganization.**—The requirement of Section 6, Article IV of this revision shall not apply until July 1, 1969.

**SECTION 17. Conflicting provisions.**—This schedule is designed to effect the orderly transition of government from the Constitution of 1885, as amended, to this revision and shall control in all cases of conflict with any part of Article I through IV, VII, and IX through XI herein.

**SECTION 18. Bonds for housing and related facilities.**—Section 16 of Article VII, pro-

viding for bonds for housing and related facilities, shall take effect upon approval by the electors.

**History.**—Added, S.J.R. 6-E, 1980; adopted 1980.

**SECTION 19. Renewable energy source property.**—The amendment to Section 3 of Article VII, relating to an exemption for a renewable energy source device and real property on which such device is installed, if adopted at the special election in October 1980, shall take effect January 1, 1981.

**History.**—Added, S.J.R. 15-E, 1980; adopted 1980.

**Note.**—This section, originally designated section 18 by S.J.R. 15-E, 1980, was redesignated section 19 by the editors in order to avoid confusion with section 18 as contained in S.J.R. 6-E, 1980.

**SECTION 20. Access to public records.**—

Section 24 of Article I, relating to access to public records, shall take effect July 1, 1993.

**History.**—Added, C.S. for C.S. for H.J.R.'s 1727, 863, 2035, 1992; adopted 1992.

**SECTION 21. State revenue limitation.**—

The amendment to Section 1 of Article VII limiting state revenues shall take effect January 1, 1995, and shall first be applicable to state fiscal year 1995-1996.

**History.**—Added, H.J.R. 2053, 1994; adopted 1994.

**SECTION 22. Historic property exemption and assessment.**—The amendments to Sections 3 and 4 of Article VII relating to ad valorem tax exemption for, and assessment of, historic property shall take effect January 1, 1999.

**History.**—Added, H.J.R. 969, 1997; adopted 1998.

**SECTION 23. Fish and wildlife conservation commission.**—

(a) The initial members of the commission shall be the members of the game and fresh water fish commission and the marine fisheries commission who are serving on those commissions on the effective date of this amendment, who may serve the remainder of their respective terms. New appointments to the commission shall not be made until the retirement, resignation, removal, or expiration of the terms of the initial members results in fewer than seven members remaining.

(b) The jurisdiction of the marine fisheries commission as set forth in statutes in effect on March 1, 1998, shall be transferred to the fish and wildlife conservation commission. The jurisdiction of the marine fisheries commission transferred to the commission shall not be expanded except as provided by general law. All rules of the marine fisheries commission and game and

fresh water fish commission in effect on the effective date of this amendment shall become rules of the fish and wildlife conservation commission until superseded or amended by the commission.

(c) On the effective date of this amendment, the marine fisheries commission and game and fresh water fish commission shall be abolished.

(d) This amendment shall take effect July 1, 1999.

**History.**—Proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**Note.**—This section, originally designated section 22 by Revision No. 5 of the Constitution Revision Commission, 1998, was redesignated section 23 by the editors in order to avoid confusion with section 22 as created in H.J.R. 969, 1997.

**SECTION 24. Executive branch reform.**—

(a) The amendments contained in this revision shall take effect January 7, 2003, but shall govern with respect to the qualifying for and the holding of primary elections in 2002. The office of chief financial officer shall be a new office as a result of this revision.

(b) In the event the secretary of state is removed as a cabinet office in the 1998 general election, the term “custodian of state records” shall be substituted for the term “secretary of state” throughout the constitution and the duties previously performed by the secretary of state shall be as provided by law.

**History.**—Proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**Note.**—This section, originally designated section 22 by Revision No. 8 of the Constitution Revision Commission, 1998, was redesignated section 24 by the editors in order to avoid confusion with section 22 as created in H.J.R. 969, 1997.

**SECTION 25. Schedule to Article V amendment.**—

(a) Commencing with fiscal year 2000-2001, the legislature shall appropriate funds to pay for the salaries, costs, and expenses set forth in the amendment to Section 14 of Article V pursuant to a phase-in schedule established by general law.

(b) Unless otherwise provided herein, the amendment to Section 14 shall be fully effectuated by July 1, 2004.

**History.**—Proposed by Constitution Revision Commission, Revision No. 7, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**Note.**—This section, originally designated section 22 by Revision No. 7 of the Constitution Revision Commission, 1998, was redesignated section 25 by the editors in order to avoid confusion with section 22 as created in H.J.R. 969, 1997.

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Homestead property, A10 S4(b), (c)

**WIDOWS AND WIDOWERS (Cont.)**

Tax exemption, A7 S3(b)

**WILDLIFE**

Fish, *See* FISHING  
 Fish and Wildlife Conservation Commission, A4 S9,  
 A12 S23  
 Game and Fresh Water Fish Commission, A12 S23

**WITNESSES**

Compulsory process, A1 S16(a)  
 Confrontation by accused, A1 S16(a)  
 Criminal trials, A1 S9, A1 S16(a)  
 Legislature, A3 S4(e), A3 S5  
 Self-incrimination, A1 S9  
 Treason, A1 S20  
 Unreasonable detention, A1 S17

**WOMEN**

Basic rights, A1 S2

**WORK, RIGHT TO**, A1 S6

**WORKFORCE INNOVATION, AGENCY FOR**, A10 S24(c), (f)

**WORKPLACE SMOKING**, A10 S20

**WRITS**

Certiorari, A5 S4(b), A5 S5(b)  
 Circuit court, A5 S5(b)  
 District courts of appeal, A5 S4(b)  
 Habeas corpus, *See* HABEAS CORPUS  
 Mandamus, A5 S3(b), A5 S4(b), A5 S5(b)  
 Prohibition, A5 S3(b), A5 S4(b), A5 S5(b)  
 Quo warranto, A5 S3(b), A5 S4(b), A5 S5(b)  
 Supreme Court, A5 S3(b)

# Extraordinary Votes Required

(Membership of 120)

<u>Total Votes</u>	<u>2/3 Vote Yeas Required</u>	<u>3/5 Vote Yeas Required</u>	<u>Majority Vote Yeas Required</u>	<u>Total Votes</u>	<u>2/3 Vote Yeas Required</u>	<u>3/5 Vote Yeas Required</u>	<u>Majority Vote Yeas Required</u>
61	41	37	31	91	61	55	46
62	42	38	32	92	62	56	47
63	42	38	32	93	62	56	47
64	43	39	33	94	63	57	48
65	44	39	33	95	64	57	48
66	44	40	34	96	64	58	49
67	45	41	34	97	65	59	49
68	46	41	35	98	66	59	50
69	46	42	35	99	66	60	50
70	47	42	36	100	67	60	51
71	48	43	36	101	68	61	51
72	48	44	37	102	68	62	52
73	49	44	37	103	69	62	52
74	50	45	38	104	70	63	53
75	50	45	38	105	70	63	53
76	51	46	39	106	71	64	54
77	52	47	39	107	72	65	54
78	52	47	40	108	72	65	55
79	53	48	40	109	73	66	55
80	54	48	41	110	74	66	56
81	54	49	41	111	74	67	56
82	55	50	42	112	75	68	57
83	56	50	42	113	76	68	57
84	56	51	43	114	76	69	58
85	57	51	43	115	77	69	58
86	58	52	44	116	78	70	59
87	58	53	44	117	78	71	59
88	59	53	45	118	79	71	60
89	60	54	45	119	80	72	60
90	60	54	46	120	80	72	61

**Constitutional Amendment**

Bill for Special Election ..... 3/4 of membership—90 Years  
(Article XI, s.5(a))

Joint Resolution ..... 3/5 of membership—72 Years  
(Article XI, s.1)

Expel Member ..... 2/3 of membership—80 Years  
(Article III, s.4(d))

Impeach Officer ..... 2/3 of members voting  
(Article III, s.17(a))

Income Tax  
(Corporate) over 5% ..... 3/5 of membership—72 Years  
(Article VII, s.5(b))

**Judiciary**

Create or decrease judicial offices other than certified  
or when Court fails to certify ..... 2/3 of membership—80 Years  
(Article V, s.9)

Repeal Rules of Practice and Procedure in all courts .. 2/3 of membership—80 Years  
(Article V, s.2(a))

## Extraordinary Votes Required (continued)

Local Laws (add prohibited subject) . . . . . (Article III, s.11(a)(21))	3/5 of membership—72 Years
Municipality or county mandates	
To alter general law to reduce the authority of municipalities or counties to raise revenues . . . . . (Article VII, s.18(b))	2/3 of membership—80 Years
To alter general law to reduce the percentage of a state tax shared with counties and municipalities . . . . . (Article VII, s.18(c))	2/3 of membership—80 Years
To pass a general law requiring the expenditure of funds by a county or municipality . . . . . (Article VII, s.18(a))	2/3 of membership—80 Years to be binding (majority to pass)
Public records and meetings	
Exempt access . . . . . (Article I, s.24(c))	2/3 of members voting
Read bill in full . . . . . (Article III, s.7)	1/3 of members voting
Sessions	
Extend Session . . . . . (Article III, s.3(d))	3/5 of members voting
Extended Session, new business . . . . . (Article III, s.3(d))	2/3 of membership—80 Years
Special Session, legislation outside call . . . . . (Article III, s.3(c)(1))	2/3 of membership—80 Years
Trust Funds . . . . . (Article III, s.19(f)(1))	3/5 of membership—72 Years
Vetoed Bills (to override) . . . . . (Article III, s.8(c))	2/3 of members voting
Waive readings on separate days . . . . . (Article III, s.7)	2/3 of members voting

## Other Votes Required

Apportionment, Congressional—Bill . . . . . (U.S. Constitution, Article I, s.2)	Majority of members voting
Apportionment, Legislative	
Joint Resolution . . . . . (Article III, s.16)	Majority of members voting

## Required 72 Hour Public Review Periods

State revenue increase; vote may not be taken . . . . . less than 72 hours after third reading (Article VII, s. 1(e))	2/3 of membership—80 Years
General appropriations; final passage may not occur . . . . . less than 72 hours after constitutionally required distribution of bill in final form (Article III, s. 19(d))	Majority of members voting



